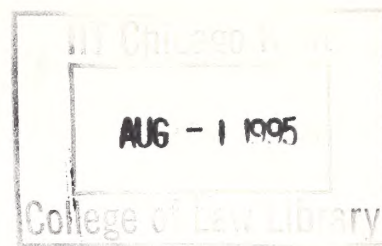


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Rules of Governmental Agencies

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Secretary of State

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Editor's Note: This is the third of a series of July 1995 Regulatory Agendas submitted by state agencies.

Other Regulatory Agendas were published in *Illinois Registers* of July 14, 1995 (Issue 28) and July 21, 1995 (Issue 29).

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995	Aug. 22, 1995	Aug. 29, 1995	36	Sept. 8, 1995
Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
Feb. 28, 1995	Mar. 7, 1995	11	Mar. 17, 1995	Sept. 5, 1995	Sept. 12, 1995	38	Sept. 22, 1995
Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
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Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
May 30, 1995	June 6, 1995	24	June 16, 1995	Dec. 5, 1995	Dec. 12, 1995	51	Dec. 22, 1995
June 6, 1995	June 13, 1995	25	June 23, 1995	Dec. 12, 1995	Dec. 19, 1995	52	Dec. 29, 1995
June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Telecommunications Access for the Hearing and Voice Impaired
- 2) Code Citation: 83 Ill. Adm. Code 755
- 3) Section Numbers:
- | | |
|-----------|--------------------------|
| 755.10 | Amendment |
| 755.15 | Amendment |
| 755.20 | Repeal |
| 755.25 | Repeal |
| 755.105 | Amendment |
| 755.110 | Amendment |
| 755.115 | Amendment |
| 755.120 | Amendment |
| 755.125 | Amendment |
| 755.126 | New Section |
| 755.130 | Amendment |
| 755.135 | Amendment |
| 755.145 | Amendment |
| 755.200 | Amendment |
| 755.205 | Amendment |
| 755.210 | Amendment |
| 755.220 | Amendment |
| 755.225 | Amendment |
| 755.305 | Amendment |
| 755.400 | Amendment |
| 755.405 | Amendment |
| 755.500 | Amendment |
| 755.505 | Amendment |
| 755.515 | Amendment |
| EXHIBIT A | Amendment |
| EXHIBIT B | Amendment |
| EXHIBIT C | Amendment |
| EXHIBIT D | Amendment |
| EXHIBIT E | Amendment |
| EXHIBIT F | New Section |
| EXHIBIT G | Renumbered and Amendment |
| EXHIBIT H | Renumbered and Amendment |
| EXHIBIT I | Renumbered and Amendment |
| EXHIBIT J | Renumbered and Amendment |
| EXHIBIT K | Renumbered and Amendment |
| EXHIBIT L | Renumbered and Amendment |
| EXHIBIT M | Renumbered and Amendment |
| EXHIBIT N | Repeal |
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 5) A Complete Description of the Subjects and Issues Involved: Part 755 sets out general standards governing the State of Illinois' text telephone ("TTY" or "TTY") distribution program to the hearing and voice impaired and the obligations of Local Exchange Carriers ("LECs") under this program. The present rulemaking to amend this Part was undertaken in response to the Americans with Disabilities Act of 1990 ("ADA") and to the passage of P.A. 88-497, effective September 13, 1993. P.A. 88-497 modified Section 13-703 of the Act by changing the requirements for organizations eligible to receive TTS under the program and by extending program participation to include mutual telephone companies.
- Certain of these proposed changes would update citations and recognize name changes, eliminate time limits applicable to the start-up of the TTY Distribution Program, and make editorial revisions where appropriate. Other changes modify procedures for applying for TTS, the equipment requirements, and recordkeeping requirements. In order to implement the ADA, there have been numerous language modifications, such as the replacement of all references to "impaired" throughout Part 755 with "disability." Similarly, person-first usage is now utilized.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Comments should be filed with:
- Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217)782-7434

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the *Illinois Register*.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

TITLE 93: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 755
TELECOMMUNICATIONS ACCESS FOR PERSONS WITH DISABILITIES THE HEARING-AND
VISER-IMPARED

SUBPART A: GENERAL PROVISIONS

Section	
755.10	Definitions
755.15	Dispute Procedures
755.20	Notice (Repealed)
755.25	Deviations (Repealed)

SUBPART B: LEC OBLIGATIONS

Section	
755.100	Components of ITAP Services
755.105	Execution and Administration of ITAP
755.110	Publicity Concerning ITAP
755.115	Application Procedure and Processing
755.120	Equipment Set Specifications - TT 999
755.125	Equipment Set Specifications - Telebraille
755.126	Equipment Set Specifications - Text Telephone with LVD
755.130	Bids
755.135	ITAP Filing Requirements
755.145	Renewal of Agreements

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section	
755.200	Disability Impaired Certification
755.205	Eligibility and Application for Equipment Sets for Residents
755.210	Subscriber-Units-Which-are-Residential Eligibility and Application for Subscriber-Units Which are Statewide
755.220	Organizations
755.225	Time Period for Possession
755.230	Shared Residence
755.230	Change of Address

SUBPART D: POSSESSION AND MAINTENANCE

Section	
755.300	Equipment Ownership and Liability
755.305	Recipient Responsibility
755.310	Responsibility for Maintenance

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect those not for profit corporations that may be eligible for a TT under the amended statute and the proposed amendments to the rules.

B) Reporting, bookkeeping or other procedures required for compliance:
Reporting procedures and recordkeeping.

C) Types of professional skills necessary for compliance: Managerial skills are required for compliance with this Part.

13) Regulatory Agenda on which this rulemaking was summarized: January 1995

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: OVERSIGHT AND REVIEW

Section
755.400 Staff Liaison
755.405 Advisory Council
755.410 Advisory Council Rights
755.415 Biannual Workshop

SUBPART F: LINE CHARGE ADJUSTMENT MECHANISM

Section
755.500 Annual Filings
755.505 Local Exchange and Inter-Exchange Carrier Reports and Remittances to ITAC
755.510 Determination and Adjustment of the Line Charge
755.515 Notice and Filing Requirements
755.520 Interim Line Charge Adjustments
755.525 Waiver of Requirements of Section 755.500

EXHIBIT A Calculation of Monthly Line Charge (Schedule A-1)
EXHIBIT B Comparison of Present and Proposed Line Charges (Schedule A-2)
EXHIBIT C Projection Period Statement of Revenues and Expenses at Present Line Charge, As Adjusted (Schedule A-3)
EXHIBIT D Prior Calendar Year Actual Revenues Over/(Under) Expenses (Schedule A-4)
EXHIBIT E Schedule of Adjustment to Projected Cash Balance (Schedule A-5)
EXHIBIT F Supporting Schedule of Planned Capital Expenditures During Projection Period (Schedule A-6)
EXHIBIT G Schedule of Projected Increase to Cash Under Proposed Line Charge Before Cash Adjustment (Schedule A-7a)
EXHIBIT H Call Volumes and Subscriber Lines (Schedule A-87)
EXHIBIT I Depreciation Schedule (Schedule A-98)
EXHIBIT J Projected Payroll Expenses, As Adjusted (Other than TRS BPRS Payroll Expenses) (Schedule A-109)
EXHIBIT K Projected Line Charge Filing Expenses (Schedule A-119)
EXHIBIT L Comparative Actual and Projected Balance Sheets, At Proposed Line Charge, As Adjusted (Schedule A-121)
EXHIBIT M Comparative Actual and Projected Statements of Revenues and Expenses at Proposed Line Charge, As Adjusted (Schedule A-131)
EXHIBIT N Local Exchange Carrier Monthly Report to ITAC
EXHIBIT O Inter-Exchange Carrier Monthly Remittance Report to ITAC (Repealed)

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/13-703 and 10-101).

SOURCE: Adopted at 12 Ill. Reg. 3687, effective February 1, 1988; amended at 14 Ill. Reg. 3042, effective February 15, 1990; emergency amendment at 14 Ill.

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Reg. 19375, effective November 25, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5624, effective April 15, 1991; amended at 17 Ill. Reg. 5594, effective March 31, 1993; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 755.10 Definitions

"Act" means the Public Utilities Act (415 ILCS 5/1-101 et seq.).

"Centers for independent living" means organizations serving the needs of those persons with hearing or speech disabilities as described in Section 12a of the Disabled Persons Rehabilitation Act (20 ILCS 2405/12a).

"Commission" means the Illinois Commerce Commission.

"Deaf-blind" refers to a person who is deaf or hard-of-hearing and deaf--or--severely--hearing-impaired--person who is also has a sight-disability impaired and who can regularly and routinely communicate by telephone only through the aid of a telebraille device or TT with LVD.

"Deaf or hard-of-hearing severely-hearing-impaired" refers to a condition of person-with-a permanent hearing loss by which regular communication is possible only through the aid of devices which can send and receive written messages over the telephone network.

"Disability" refers to a conditions of being permanently hearing, deaf-blind, speech, or speech-sight disabled.

"Deaf-party-relay-service-call-volumes" means all Illinois intrastate calls placed through the Illinois Relay Center--whether--or--not completed.

"Equipment set" means the telecommunications--device--for-the-deaf (FDD) Text Telephone ("TT"), telebraille device, or TT with LVD, and all of its components and support equipment (except paper rolls) as described in Sections 755.120, 755.125, and 755.126, provided under Sections 755.205 and 755.210 of this Part provided to a subscriber-unit under this program--or-a telebraille-device--all-of-its-components-and support-equipment-provided-to-a-subscriber-unit-under-this-program.

"Hearing disability" refers to condition of being permanently deaf or hard-of-hearing.

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NOTICE OF PROPOSED AMENDMENTS

"Illinois Telecommunications Access Corporation," or "ITAC," means the not-for-profit corporation jointly established by Illinois local exchange carriers pursuant to Section 755.105 to administer programs mandated by Section 13-703 of the Act.

~~"Impaired" means deaf-blind, deaf, or severely hearing-impaired, voice-impaired, or voice-impaired-blind as defined in this Section.~~

"ITAP" or "Program" means the Illinois Telecommunications Access Program, by which Illinois local exchange carriers shall provide the telecommunications devices capable of servicing the needs of subscribers with disabilities ~~impaired subscribers~~ as required by Section 13-703 of the Act.

"LEC" or ~~means~~ "local exchange carrier" means ~~which is a telecommunications carrier providing local exchange telecommunications service as defined in Section 13-204 of the Act. For purposes of this Part, "LEC" or "local exchange carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.~~

"Line charge" means the charge authorized by Section 13-703(c) of the Act.

"LVD" or "Large visual display" is a device that, when connected to a TT, displays the text in a large moving lighted print.

"Organizations" or ~~"statewide organizations"~~ means ~~Centers for independent living and those Illinois-based not-for-profit organizations not owned or operated by any political subdivision, public institution of higher learning, state agency, or municipal corporation of this State whose primary purpose is serving the needs of those persons with disabilities. which represent the impaired and which are not limited to a particular geographical area within the state and which are available to the impaired throughout the state.~~

"Projection period" means, for each annual filing required by Subpart F, a 12-month period beginning January 1 of the year in which the filing is made.

"Recipient" is a the user or a the parent or legal guardian of a minor user in whose name an equipment set is granted, as provided in Section 755.205(b).

"Sight disability" refers to condition of permanent loss of sight by which regular and routine telephone communication is possible only through the aid of a telebraille device or TT with LVD.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Social service agencies" means the Illinois Department of Rehabilitation Services, Department on Aging, Department of Public Aid, Department of Public Health, Department of Children and Family Services, the State Board of Education, and the University of Illinois Division of Specialized Care for ~~services-for-crippled~~ Children.

"Speech-disability" refers to a condition of permanent speech disability that precludes oral communication by which regular and routine telephone communication is possible only through the aid of devices which can send and receive written messages over the telephone network.

"Speech-sight disability" refers to a condition of permanent speech and sight disability that precludes oral communication, and by which regular and routine telephone communication is possible only through the aid of a telebraille device or TT with LVD.

"Staff" means individuals employed by the Illinois Commerce Commission.

"Subscriber lines" means access lines ~~of local-exchange-carriers subject-to-the-jurisdiction-of-the-Commission, as defined in 83 Ill. Adm. Code 730.105, of LECs as defined in this Part, but shall not include Feature Groups A, B, C and D access lines, 800 lines or access lines used for official communications of telecommunications carriers providing local exchange service. In calculating subscriber lines, each centrex line shall be equivalent to one-tenth of a residence or business access line.~~

~~"Subscriber-unit" is a single address which receives basic-telephone service and is subject to a monthly service charge for each access line.~~

~~"TDD" means telecommunications device for the deaf, a device which allows impaired persons to send and receive written messages over the telephone network.~~

"Telebraille device" is a TT ~~TDD~~ which employs braille language symbols.

"Telecommunications relay services (TRS)" or "Relay service call volumes" means all Illinois intrastate calls placed through the Illinois Relay Center, whether or not completed.

"TT" means text telephone, a device which employs graphic communication in the transmission of coded signals through a wire or radio communications system.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

"User" means an Illinois resident with a disability whose eligibility has been established as provided in this Part an impaired person within a subscriber unit for whose use an the equipment set is provided, as set forth in Section 755.205. There may be multiple users per subscriber unit.

"Voice-impaired" means a person with a permanent speech disability which precludes oral communication who can regularly and routinely communicate by telephone only through the aid of devices which can send or receive written messages over the telephone network.

"Voice-impaired-blind" means a voice-impaired person who is also sight-impaired.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.15 Dispute Procedures

- a) If there is a problem with an equipment set:
 - 1) the Regional Center that distributed the equipment set should be contacted;
 - 2) if the problem cannot be resolved at the Regional Center, then the ITAC office should be contacted; and
 - 3) if the ITAC office cannot satisfactorily resolve the problem, they shall inform the user of the address and telephone number of the Commission and the information contained in Section 755.410(b).
- b) After receiving the complaint, the Commission will begin an informal investigation in an effort to settle the dispute.
- c) Disputes arising under this Part shall also be governed by 83 Ill. Adm. Code 755.199 and 735.200.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.20 Notice (Repealed)

Unless otherwise indicated, "notice" means notice within 30 days of the event for which notice is required. Notice shall be given in writing or by e-mail. Notice given by e-mail shall be subject to hard-copy recovery by and at the discretion of the receiver, except that an EEC shall mail a Braille copy of any notice to a telebraille recipient within 48 hours of the original telebraille transmission of the notice.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 755.25 Deviations (Repealed)

If a EEC determines justification exists for deviation from conditions of Sections 755.110 and 755.115(c) and (d) of this Part in any particular case, a petition may be filed setting forth a full statement of such conditions and the reasons and purpose of such proposed deviation. The Commission shall allow such deviation for a period of up to one year if the deviation will not endanger the provision of telephone service to the impaired, as intended by Section 13-703 of the Act.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

SUBPART B: LEC OBLIGATIONS

Section 755.105 Execution and Administration of ITAP

- a) The charge per month per subscriber line, allowed by Section 13-703(c) of the Act and ordered by the Commission, shall be collected by the LECs BBEs from their customers. The charge applies to all subscriber lines.
- b) The LECs BBEs shall be reimbursed for all start up and ongoing expenses associated with the administration of the customer charge per line per month and the establishment, execution and administration of ITAP. Such costs shall include but not be limited to those expenses involving
 - 1) Customer notification;
 - 2) Customer billing;
 - 3) Accounting and tax administration;
 - 4) Auditing and reporting;
 - 5) Taxes;
 - 6) Franchise fees;
 - 7) Uncollectables; and
 - 8) LEC staff assignments.
- c) The LECs BBEs may make voluntary or contractual agreements with businesses, agencies of local, state, or Federal government, organizations, and other third parties for provision or distribution of equipment, maintenance, warehousing, training, administration, or miscellaneous supports services as required to fulfill the goals of this program in a manner consistent with the intent and provisions of the Act and this Part.
- d) The LECs BBEs shall administer the ITAP so as to take full advantage of any economies of scale that may exist by centralizing the provision of ITAP services listed in Section 755.100. However, the LECs BBEs shall provide sufficient regional centers to insure a reasonable access to ITAP by persons with disabilities the impaired.
- e) The LECs BBEs may determine and propose to the Commission for approval, subject to the requirements of Section 7-101 and 7-102 of

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the Act (~~111-Rev.~~-Stat--1997-~~ch-~~111-2/3-~~par-~~7-101-and-7-102) [220 ILCS 5/7-101 and 7-102], a plan for joint execution and administration of ITAP.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.110 Publicity Concerning ITAP

- a) LECs ~~BBE's~~ shall publicize ITAP. Publicity shall include, but not be limited to:
- 1) Bill inserts and notices published in the directories;
 - 2) Written notification to conventional media such as daily, weekly, and monthly newspapers or magazines and the news departments of television and radio stations;
 - 3) Written notification to organizations and to newsletters serving persons with disabilities, ~~the--impaired-~~ Organizations and newsletters wishing to receive such notification must contact the LECs ~~BBE's~~ and place themselves on an ITAP information service list; and
 - 4) Written notification to designated offices of State of Illinois social service agencies. The LECs ~~BBE's~~ shall obtain a list of designated offices from each of the social service agencies listed in this Part.
- b) Information to be provided shall include at a minimum the services offered, descriptions of the intended recipients of these services, and the terms under which these services are available.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.115 Application Procedure and Processing

- a) Application packets shall be made available to the public by mail, at all regional maintenance/training centers, and at designated offices of State of Illinois social service agencies, as identified in Section 755.110(a)(4). The application packets shall contain:
- 1) A brochure which contains:
 - A) A description of the obligations of the LEC to the recipient;
 - B) A description of the rights and obligations of the recipient under ITAP;
 - C) A description of the application process for service under this Part;
 - D) A description of the Advisory Council and its role as liaison to persons with disabilities ~~the--impaired--community;~~ and
 - E) The office telephone number of the Staff Liaison.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 2) An eligibility form to be filled out according to the provisions of Section 755.200 of this Part, certifying the applicant ~~user's~~ as a person with a disability ~~impaired~~. Printed on the eligibility form shall be an explanation of its purpose, the definitions of disability ~~deaf-or-severely-hearing-impaired,~~ ~~deaf-blind,~~ ~~voice-impaired,~~ ~~and--voice-impaired-blind~~ contained in Section 755.10 of this Part and the certification requirements of Section 755.200.
- 3) A form for the recipient to sign indicating that the recipient understands and agrees with the rights and obligations created for the recipient under this Part, and that the recipient desires service under this Part.
- 4) A standard application form requiring:
 - A) The address and telephone number of the recipient's residence ~~subscriber-unit;~~ and
 - B) The full name ~~names~~ and age ~~ages~~ of the recipient, ~~all-users~~ ~~within--the--subscriber-unit,~~ and the name of the person to whom telephone service is billed.
- 5) A form for the recipient to sign indicating that if the recipient is acting for a minor user, the equipment set received under this program will be transferred to the user on the user's eighteenth birthday.
- b) LECs ~~BBE's~~ will provide assistance in completing application forms to those who desire assistance at regional maintenance/training centers.
- c) Applicants shall complete (or have completed) all forms, attach all necessary documentation, and mail the completed application packet as directed by the LEC.
- d) Upon receipt of completed application packets, the LEC shall acknowledge by postcard (stamped and addressed by applicant) and process all applications. In no event shall the LEC take more than 21 calendar days to verify an applicant's eligibility. If the LEC determines that it cannot make a decision within 21 days because the application is incomplete or contains inaccurate information, it must immediately notify the applicant upon making this determination and solicit clarification and additional information from the applicant in order to determine the applicant's eligibility. The LEC shall file a quarterly report with the Commission detailing applications that required more than 21 days to process.
- e) Processing of applications by LECs ~~BBE's~~ shall consist of a review for completeness and the assignment of priority status for distribution in the order of receipt of the completed applications.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.120 Equipment Set Specifications - ~~TT~~ ~~99B~~

~~TT~~ ~~99B~~ equipment sets shall include the following equipment and features:

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- a) Keyboard send;
 b) Large size, 20 character minimum LED display;
 c) Baudot 5 level code and ASCII code capability;
 d) Built-in modem and acoustical coupler;
 e) Portability;
 f) Carrying case;
 g) Alternate A.C. power and self-contained, user-replaceable, rechargeable battery pack (initial battery pack provided with equipment and subsequent replacement to be provided at his/her expense);
 h) One remote signalling device which will turn on a lamp or some other appliance to signal a person with a hearing disability ~~that person~~ of incoming calls. The signalling device should be capable of activating other remote signals which the recipient may add at his/her option and expense;
 i) Built-in printer and an initial roll of printer paper (subsequent rolls to be supplied by the recipient at his/her expense);
 j) High level of reliability and durability. ~~TT~~ FBB and remote signalling device must come with at least a one-year full warranty;
 k) A visible serial number permanently affixed to the chassis;
 l) All equipment provided under this program shall meet all applicable requirements for registration with the Federal Communications Commission under 47 CFR 68 as of October 1, 1994 ~~1987~~. No later amendment or edition is incorporated; and
 m) A voice announcer. A label on the space-bar indicating that it--should be used when calling an emergency service number.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.125 Equipment Set Specifications - Telebraille

Telebraille equipment sets shall include the following equipment and features:

- a) Braille keyboard;
 b) 20 character Braille display;
 c) Baudot 5 level code and ASCII code capability;
 d) Built-in modem and acoustical coupler;
 e) Portability;
 f) Carrying case;
 g) Alternate A.C. power and self-contained, user-replaceable, rechargeable battery pack (initial battery pack to be provided with equipment and subsequent replacement to be provided by the recipient at his/her expense);
 h) One remote signalling device which the person with a hearing and sight disability ~~the deaf-blind user~~ wears or carries on his/her person and which vibrates when the phone is ringing;
 i) High level of reliability and durability. Telebraille and remote signalling devices shall come with at least a one-year full warranty;

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- j) A visible serial number permanently affixed to the chassis;
 k) All equipment provided under this program shall meet all applicable requirements for registration with the Federal Communications Commission under 47 CFR 68 as of October 1, 1994 ~~1987~~. No further amendment or edition is incorporated; and
 l) A voice announcer. A label on the space-bar indicating in Braille that it should be used when calling an emergency service number.
 (Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.126 Equipment Set Specifications - Text Telephone with LVD

A text telephone with LVD shall meet the specifications for ~~TT~~ as prescribed in Section 755.120 and the following:

- a) Large display showing characters in bold type;
 b) An option of lens colors for display;
 c) High level of reliability and durability. LVD shall come with at least a one-year full warranty; and
 d) A visible serial number permanently affixed to the LVD chassis.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 755.130 Bids

- a) Prior to entering into agreements contemplated by Section 755.135(b) ~~755.105(c)~~, the ~~LECS~~ ~~BBE's~~ shall solicit and accept bids from various providers.

b) Bids will be evaluated and awarded based upon the bidder's ability, as demonstrated in the bid proposal, to advance the goals and objectives of ITAP, consistent with the criteria listed below:

- 1) Corporate and fiscal integrity, history, and ability of the bidder to deliver equipment or services up for bid;
- 2) Equipment up for bid must meet the minimum specifications in Section 755.120, ~~or~~ 755.125, ~~or~~ 755.126; and
- 3) Maintenance and training services up for bid must be deliverable as prescribed in Sections 755.100 and 755.310.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.135 ITAP Filing Requirements

- a) The ~~LECS~~ ~~BBE's~~ shall file with the Commission for approval pursuant to the provisions of the Act and this Part, the following tariff items:

- 1) A tariff for providing equipment sets with a detailed description of the equipment the LEC intends to provide pursuant to ITAP.

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including:

- A) the manufacturer(s) of the equipment,
 - B) the model number(s) of the equipment,
 - C) the model name(s) of the equipment, and
 - D) a description of the operating functions of the equipment;
- 2) A tariff sheet which describes the application packet the LEC intends to provide in compliance with Section 755.115(a). The tariff sheet shall be accompanied by a facsimile of the actual application packets to be provided.
- b) With reference to the provision of ITAP services, the LECs BBE's shall file for approval by the Commission: 1) All personal services contracts in excess of \$15,000 and all other contracts in excess of \$40,000 which take effect during the first eighteen months following the effective date of this Part; 2) All contracts in excess of \$30,000 which take effect during or between the nineteenth month and forty-second month following the effective date of this Part; 3) All personal services contracts in excess of \$30,000 and all other contracts in excess of \$100,000 which take effect after the forty-second month following the effective date of this Part.
 - c) The LECs BBE's shall file with the Commission copies of the following:
 - 1) Detailed descriptions of bid solicitation and evaluation procedures and criteria, updated as changes occur;
 - 2) Detailed descriptions of procedures for delivering ITAP services, updated as changes occur; and
 - 3) An annual report (to be filed no later than March 31 of each year) which shall contain the following information:
 - A) Updates on administration procedures for ITAP,
 - B) Description of program activities of the past year, including at a minimum the number of applications received, the number of IT's BBE's distributed, the number and location of regional centers, the number of training sessions offered, the number and type of maintenance/repair/exchange incidents, and lists and descriptions of supply contracts entered into for the provision of ITAP services, and
 - C) Description and brief evaluation of program effectiveness including at a minimum the following information:
 - i) the number and type of complaint incidents,
 - ii) the average period of time needed to process a typical application,
 - iii) the average period of time between the processing of an application and the receipt of the IT BBE, and
 - iv) a list of issues or problem areas identified by the Advisory Council and any action taken by the LECs BBE's in response.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 755.145 Renewal of Agreements

- a) All agreements, contractual or otherwise, entered into by the LECs BBE's for the provision of ITAP services shall be closed-ended and of limited duration.
- b) Prior to expiration of each agreement, the LECs BBE's shall review and evaluate the agreement and determine appropriate criteria for any successor agreement, consistent with the provisions of this Part.
- c) Before entering into upon-for-prior-to-expiration-of agreements for the purchase of equipment sets subject to referenced-in Section 755.135(b), the LECs BBE will solicit bids and award contracts--if supply--is--depleted--or--near--depletion--according to the provisions of Section 755.130 of this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section 755.200 Disability Impaired Certification

- a) An applicant with a hearing disability seeking eligibility for a TT equipment set A-prospective-individual-recipient--seeking--eligibility for--a--TTB-equipment-set-for-a-deaf-or-severely-hearing-impaired-user shall have completed by a licensed physician, licensed audiologist, a designated counselor with the Illinois Department of Rehabilitation Services (DORS), or a speech and hearing consultant with the University of Illinois Division of Specialized Care for Services-for-Exempted Children a standard form (provided by the LECs BBE's) certifying that the applicant is deaf or hard-of-hearing user--as those terms are deaf-or-severely-hearing-impaired-as-that-condition-is defined in this Part.
- b) An applicant who is deaf-blind A-prospective-individual-recipient seeking eligibility for a telebraille device equipment set or a TT with LVD for-a-deaf-blind-user shall have completed by a licensed physician, licensed audiologist, designated counselor with the Illinois Department of Rehabilitation Services (DORS), or a speech and hearing consultant with the University of Illinois Division of Specialized Care for Services-for-Exempted Children a standard form (provided by the LECs BBE's), certifying the applicant user--as deaf-blind as that condition is defined in this Part. In instances in which deaf-blindness is certified by an audiologist, the audiologist shall make such certification only upon review of medical records which confirm the applicant's sight disability user--a-blindness.
- c) An applicant who has a speech disability seeking eligibility for a TT equipment set A-prospective-individual-recipient--seeking--eligibility for--a--TTB-equipment-set-for-a-voice-impaired-user shall have completed by a licensed physician, speech-language pathologist, or speech and

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hearing consultant with the University of Illinois Division of Specialized Care for ~~Services-for-Eligible~~ Children, a standard form (provided by the LECs ~~BEC's~~) certifying the applicant ~~users~~ has a speech disability ~~as-voice-impaired~~ as that condition is defined in this part.

d) An applicant who has a speech-sight disability seeking eligibility for a telebraille equipment set or a TT with LVD ~~A-prospective-individual recipient-seeking-eligibility-for-a-telebraille-equipment-set-for-a voice-impaired-blind-user~~ shall have completed by a licensed physician, speech-language pathologist, a speech and hearing consultant with the University of Illinois Division of Specialized Care for ~~Services-for-Eligible~~ Children, or a designated counselor with DORS a standard form (provided by the LECs ~~BEC's~~) certifying the applicant as a person with a speech-sight disability ~~users-as-blind and-voice-impaired~~ as that condition is defined in this part. In instances in which the applicant has a speech-sight disability ~~user-is blind-and-the-voice-impaired~~ and the speech disability is certified by a speech-language pathologist, the speech-language pathologist shall make such certification only upon review of medical records which confirm the applicant's sight disability ~~user-is-blindness~~. In instances in which the applicant's speech disability ~~user-is voice-impaired~~ and the sight disability ~~blindness~~ is certified by a designated counselor with DORS, the DORS counselor shall make such certification only upon review of medical records which confirm the applicant's speech disability ~~user-is-voice-impaired~~.

e) The LECs ~~BEC's~~ shall obtain from the Director of DORS a list of designated DORS counselors who have expertise in working with persons with hearing and sight disabilities ~~the-hearing-impaired-population~~ and who are authorized to certify individuals for ITAP. The LECs ~~BEC's~~ shall obtain from the Director of the University of Illinois Division of Specialized Care for ~~Services-for-Eligible~~ Children a list of the Division's designated hearing and speech consultants authorized to certify individuals for ITAP. The LECs ~~BEC's~~ shall obtain updated lists annually.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.205 Eligibility and Application for Equipment Sets for Residents Subscriber-Units-Which-are-Residential

a) One equipment set shall be provided per subscriber line in a residence which ~~subscriber-unit-that~~ is the permanent legal residence of a user ~~one-or-more-impaired-users~~. Subject to subsection (f) below, the maximum number of equipment sets that shall be provided is the lesser of the number of user(s) or the number of subscriber lines in the residence.

b) The equipment set shall be granted in the name of the recipient.

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Subject to subsection (f) below, there ~~there~~ is only one recipient per subscriber line ~~subscriber-unit~~. Recipient status shall be granted to an adult user within the residence ~~subscriber-unit~~. In the absence of an adult user within the residence ~~subscriber-unit~~, recipient status shall be granted to the parent or legal guardian residing with a minor user in the residence ~~subscriber-unit~~.

c) The recipient shall assume all responsibilities and liabilities for the equipment set as prescribed by this Part.

d) The recipient shall be required to sign and complete all forms and documents provided in the application packet as described in Section 755.115(a).

e) Along with the completed application, the recipient shall provide copies of drivers' licenses, Illinois State I.D.'s, or some other proof of identification and Illinois residence for the recipient ~~user~~ and identification of the person to whom telephone service is billed.

f) One telebraille equipment set shall be provided to a recipient in a residence with a single subscriber line even if TT equipment set is also provided for another user or other users in the residence.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.210 Eligibility and Application for Equipment Sets for Organizations Subscriber-Units-Which-are-Statewide-Organizations

a) Organizations ~~Statewide-organizations~~ having more than one office receiving basic telephone service shall designate one office to receive the equipment set.

b) Recipient status shall be granted to the organization. The president, executive director, or other official of the organization shall sign the appropriate application forms on behalf of the organization.

c) The organization shall assume all responsibilities and liabilities for the equipment set prescribed for recipients by this Part.

d) The organization shall file a verified Petition for Eligibility with the Commission containing the following:

1) Address and telephone number of the organization's headquarters and the office to which the equipment set will be assigned;

2) Statement explaining how the organization meets the definition of ~~that-it-is-an~~ "organization" contained ~~as-defined~~ in Section 755.10; ~~the-purpose-of-which-includes-as-evidenced-by-its articles-of-incorporation-by-laws-or-charter-representing-the interest;~~

3) Statement of the equipment set applied for a demonstration that the organization's primary purpose is serving those persons with disabilities who require that kind of equipment set;

4) Full names, addresses, and telephone numbers of officers who can act for the organization;

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54) Articles of incorporation, by-laws, charter, or any other documenting evidence supporting the statement required by subsection (d)(2);

65) Most recent annual report (if applicable).

e) The organization's eligibility organization will be determined by the Commission receive-its-designation upon the filing of a complete verified completed Petition. A determination of eligibility shall be based on a finding by the Commission that the organization meets the definition of "organization" contained in Section 755.10 and that its primary purpose is to serve the needs of those persons with disabilities who require the equipment set for which the organization has applied.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.220 Time Period for Possession

Contingent upon the recipient's compliance with provisions of this Part, all equipment sets will be provided until the user's legal residence subscriber-unit ceases to have telephone service for more than 45 days. At such time the equipment set must be returned to the LEC. If telephone service is reestablished after the equipment set has been returned to the LEC, eligibility must be reapplied for as though no prior service had been provided. An applicant who re-applies after having returned an equipment set may submit an eligibility form certifying the disability, as described in Section 755.115(a)(2), dated up to one year prior to the date of notice of loss of eligibility.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.225 Shared Residence

In the event that two or more recipients share a common permanent legal residence constituting-a-subscriber-unit, equipment in excess of that permitted under Section 755.205 one-equipment-set shall be returned to the LEC.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.305 Recipient Responsibility

a) In cases in which the recipient is the sole user within the residence subscriber-unit:

- 1) In the event the recipient permanently relocates outside of Illinois, the recipient must return the equipment set to the LEC prior to leaving the State state;

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2) in the event of the death of the recipient, the executor of the recipient's estate, or other responsible survivor must return the equipment set to the LEC.

b) In cases in which the user uses--other--than--the--recipient--reside resides with a person with a disability in-a-subscriber-unit and in the event of the user's recipient's death or permanent relocation outside of Illinois, the a remaining person with the disability admit user or the parent or legal guardian of the a remaining person with a disability minor--user(s) must give notice to the LEC and make application for the assignment of recipient status to the an eligible individual within the residence subscriber-unit.

c) in-the-event-all-users-permanently-depart-from-the-subscriber-unit-of-the-recipient-the-recipient-shall-return-the-equipment-set-to-the-LEC-within-30-days-following-the-departure-of-the-last-user

gd) In cases in which the recipient is not a user, on the occasion of the 18th birthday of a minor user, the recipient shall give notice to the LEC, and recipient status for-the-subscriber-unit shall be transferred to the user.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART E: OVERSIGHT AND REVIEW

Section 755.400 Staff Liaison

The Executive Director of the Illinois-Commerce Commission shall appoint one Staff member to act as Staff Liaison to the programs required by Section 13-703 of the Act. The Staff Liaison shall serve as a contact person, advisor and monitor of the ITAP administrators and the Advisory Council. The Staff Liaison shall implement a procedure for coordinating the dissemination of information by the LECs BBE's, the ITAP Advisory Council and the Commission's 9-1-1 Coordinator in order to encourage and assist emergency telephone services Public Safety Answering Points ("PSAP") to update and/or install TT PPP equipment, investigate and implement PSAP-based TT PPP decoder systems, and develop or refine regular TT PPP training and testing procedures for their telecommunications.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.405 Advisory Council

An Advisory Council composed of seven members who are representatives of persons with disabilities the-impaired-community shall function as an organ for the input of individuals with disabilities the-impaired to ITAP.

a) For the purpose of selecting representatives to the Advisory Council, the Commission shall divide the state into the following five

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"Guide for prospective Financial Information Statements" is included by this incorporation; and
5) Schedules for the projection period presenting the following information in the format of Sections 755.515(b) through 755.515(h) below:
A) A calculation of the proposed monthly line charge (Exhibit A);
B) A comparison of present and proposed line charges, as adjusted (Exhibit B);
C) A statement of revenues and expenses at present line charge, as adjusted (Exhibit C);
D) A statement of prior calendar year actual revenues over/under expenses (Exhibit D);
E) A schedule of adjustment to projected cash balance (Exhibit E);
F) A supporting schedule of planned capital expenditures during projection period (Exhibit F);
G) A schedule of projected increase to cash under proposed line charge before cash adjustment (Exhibit G);
H) A schedule of projected and historical TRS dual-party--relay service call volumes and as projected and effective--January 1, 1994, historical subscribed lines (Exhibit H);
I) A depreciation schedule (Exhibit I);
J) A schedule of projected payroll expenses (other than TRS BPRS payroll expenses), as adjusted (Exhibit J);
K) A schedule of projected line charge filing expenses (assuming no suspension of filing) (Exhibit K);
L) Comparative actual and projected balance sheets, at proposed line charge, as adjusted (Exhibit L); and
M) Comparative actual and projected statements of revenues and expenses, at proposed line charge, as adjusted (Exhibit M).
For purposes of projecting subscriber lines for the projection period as required by subsection (a) above, it shall be assumed that subscriber lines will increase or decrease annually, from the number of subscriber lines on December 31 of the prior calendar year reported by ITAC pursuant to subsection (a)(5)(H) above, at a weighted average growth rate. Prior to January 1, 1996, this growth rate shall reflect the rates of increase or decrease in subscriber lines for the three most recent years available, as calculated from the annual reports to the Commission by the two largest local exchange telecommunications carriers in Illinois. Effective January 1, 1996, this growth rate shall reflect the rates of increase or decrease in subscriber lines for the three most recent years, as reported by ITAC, pursuant to subsection (a)(5)(H) above.
c) For purposes of projecting TRS dual-party Effective January 1, 1996, for purposes of projecting TRS dual-party relay-service call volumes for the projection period as required by subsection (a), forecasts of call volumes shall be based on historical Illinois TRS dual-party--relay-service call volumes.

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districts along Market Service Area ("MSA") boundaries:
District #1 -- MSA 1
District #2 -- MSA's 2, 3, 4, 13, 18
District #3 -- MSA's 5, 6, 7, 17
District #4 -- MSA's 8, 9, 10, 14, 16
District #5 -- MSA's 11, 12, 15, 19
b) In each district, organizations eligible to receive equipment sets under this Part shall jointly select representatives to the Advisory Council;
1) Three members shall be selected from the district containing MSA 1,
2) One member shall be selected from each of the four remaining districts, and
3) The Advisory Council members shall be elected to staggered terms with an election being held annually. Sections of Advisory Council members shall take place every two years.
c) The seven members of the Advisory Council shall elect a chairperson.
(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART F: LINE CHARGE ADJUSTMENT MECHANISM

Section 755.500 Annual Filings

- a) On or before April 1 of each year, ITAC shall file with the Commission a verified petition requesting that the Commission establish the annual line charge, and shall file with the petition the following information, and shall serve the filing as provided in Section 755.515(b):
 - 1) ITAC's audited financial statements as of December 31 of the prior calendar year;
 - 2) A projected balance sheet, projected statement of revenues and expenses, projected statement of cash flows, and a summary of significant projection assumptions and accounting policies for the projection period;
 - 3) A pro form adjustment to annualize December levels of revenues and expenses for the projection period shall be added to the projected revenues and expenses;
 - 4) A statement from an independent certified public accountant that the projected balance sheet and statements of revenues and expenses and cash flows comply with the guidelines for presentation of a projection established in the "Guide for Prospective Financial Information Statements" (copyright 1993 1986) by the American Institute of Certified Public Accountants (1211 Avenue of the Americas, New York NY 10036), and that the underlying assumptions provide a reasonable basis for management's projections. No later amendment or edition of the

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- d) For purposes of projecting expenses for the projection period as required by subsection (a), an annual inflation factor equal to the consensus Gross National Product implicit price deflator for the projection period, as reported in the publication "Blue Chip Economic Indicators" for January of the year in which the filing is made, shall be applied to all costs, including dual-party-relay-service-costs, but excluding depreciation and costs fixed by contract between ITAC and another party.
- e) For purposes of establishing the proposed line charge for the projection period, ITAC shall make calculations so that the following amounts are reflected in the proposed line charge over a 12 month period:
- 1) projection period revenues (over)/under expenses at present line charge, as adjusted;
 - 2) the total difference, if any, between ITAC's actual revenues and ITAC's actual expenses for the prior calendar year; and
 - 3) any adjustment necessary so that ITAC's cash balance, under the proposed line charge, at the end of the projection period will be no less than one-eighth and no greater than one-fourth of ITAC's projected expenses, as adjusted, for the projection period, excluding depreciation, plus an allowance for planned capital expenditures during the projection period.
- f) ITAC shall make available to the Commission Staff all workpapers, documentation, and calculations supporting its annual filing.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.505 Local Exchange and Inter-Exchange Carrier Reports and Remittances to ITAC

a) Each local exchange carrier, as defined in this Part, shall provide a monthly remittance report to ITAC, indicating the number of subscriber lines excluding centrex lines, the number of centrex lines, the applicable line charges, the number of intra-MSA (See Section 13-208 of the Act) TRS dual-party-relay-service billable messages billed, the number of inter-MSA dual-party-relay-service billable messages billed as agent for an interexchange carrier, the revenues from each source, adjustments for errors (if any) in prior monthly reports and the total remittance. All revenue amounts shall be reported net of uncollectible amounts and applicable discounts as prescribed by 83 Ill. Adm. Code 756.220(d) and 83 Ill. Adm. Code 756.125(a)(2)(C), respectively, and shall be remitted to ITAC as reported. This data shall be presented in the format of Section 755. Exhibit N M.

b) Each inter-exchange carrier that bills any Illinois customer directly or through an agent other than a local exchange carrier for intrastate inter-MSA dual-party-relay-service messages shall provide a monthly remittance report to ITAC, indicating the number of inter-MSA dual-party-relay-service billable messages billed for the month, the

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related amount of revenues, adjustments for errors (if any) in prior monthly reports, and the total remittance. All revenue amounts shall be reported net of uncollectible amounts and applicable discounts as prescribed by 83 Ill. Adm. Code 756.220(d) and 83 Ill. Adm. Code 756.125(a)(2), respectively, and shall be remitted to ITAC as reported. This data shall be presented in the format of Section 755. Exhibit N.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 755.515 Notice and Filing Requirements

- a) ITAC shall, beginning not later than ten days after it files the information required under Section 755.500 or under Section 755.520, cause to be published once each week for two consecutive weeks a notice of its filing in the official state newspaper and in a secular newspaper (that has been regularly published for at least six months prior to the first publication of such notice) in general circulation in the cities of Chicago and Springfield. Such notice shall be not less than one column in width and three inches in length.
- b) ITAC shall file with the Chief Clerk of the Commission the required reports and schedules pursuant to Section 755.500 and 755.520. Any documents filed with the Commission pursuant to these Sections shall also be served on the following persons: Director of the Commission's Telecommunications Department, the Staff Liaison, and the ITAP Advisory Council chairperson.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 755. EXHIBIT A Calculation of Monthly Line Charge (Schedule A-1)

Line (A)	Description (B)	Amount (C)
1	Projection Period Revenues (Over)/Under Expenses At	
2	Present Line Charge, As Adjusted (a)	
3	Prior Calendar Year Actual Revenues (Over)/Under	
4	Expenses (b)	
5	Adjustment To Projected Cash Balance (c)	
6	Subtotal	
7	End-of-Period Projected Subscriber Lines	
8	Annual Revenue Adjustment Per Subscriber Line (Line	
9	4 Divided by Line 5 - Rounded to 4 Decimal Places)	
10	Increase (Decrease) in Monthly Line Charge for	
11	Projection Period (Line 6 Divided by 12	
12	Months - Rounded to 4 Decimal Places)	
13	Add: Present Line Charge	
14	Subtotal (Line 7 Plus Line 8)	
15	Proposed Monthly Line Charge (Line 9 Rounded to	
16	Next Higher Cent)	

(a) Amount from line 17 to 16, column E, schedule A-3.

(b) Amount from line 17 to 16, column D, schedule A-4.

(c) Amount from line 6 or 11, column D, schedule A-5.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 755. EXHIBIT B Comparison of Present and Proposed Line Charges (Schedule A-2)

Line (A)	Description (B)	Projection Period (year) As Adjusted At Present Line Charge (C)	Projection Period (year) As Adjusted At Proposed Line Charge (D)	Difference (Column D - Column C) (E)	Percentage Change (Column E/ Column C) (F)
1	Number of Subscriber				
2	Lines Excluding Centrex				
3	Number of Centrex Lines				
4	Subscriber Line Charge				
5	Excluding Centrex				
6	Centrex Line Charge				
7	Subtotal				
8	Investment Income				
9	TGS Busi--Party--Retay				
10	Service				
11	Other:				
12	Total Revenues				
13	Expenses				
14	Revenues Over/(Under)				
15	Expenses				

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Present Line Charge, As Adjusted (Schedule A-3)

Line (A)	Description (B)	Projection Period Ending 12/31/ (C)	Adjustment to Annualize December Levels (D)	Total (E)
1	Revenues:			
2	Subscriber Line Charge			
3	Investment Income			
4	TRS			
5	Other Income:			
6	TOTAL REVENUES			
7	Expenses:			
8	TRS			
9	Other Party-Retiree Service			
10	Administration			
11	Equipment Distribution			
12	and Maintenance			
13	Legal			
14	Accounting and Consulting			
15	Depreciation			
16	(Gain)/Loss on Property			
17	and Equipment Retirements			
18	Other Expenses:			
19	TOTAL EXPENSES			
20	Revenues Over/(Under)			
21	Expenses			

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTSSection 755. EXHIBIT D Prior Calendar Year Actual Revenues Over/(Under)
Expenses (Schedule A-4)

Line (A)	Description (B)	Year Ended 12/31/ (C)	Amount (D)
1	Revenues:		
2	Subscriber Line Charge		
3	Investment Income		
4	TRS		
5	Other Party-Retiree Service		
6	Other Income:		
7	TOTAL REVENUES		
8	Expenses:		
9	TRS		
10	Other Party-Retiree Service		
11	Administration		
12	Equipment Distribution		
13	and Maintenance		
14	Legal		
15	Accounting and Consulting		
16	Depreciation		
17	(Gain)/Loss on Property		
18	and Equipment Retirements		
19	Other Expenses:		
20	TOTAL EXPENSES		
21	Revenues Over/(Under) Expenses		

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755.EXHIBIT E Schedule of Adjustment to Projected Cash Balance (Schedule A-5)

Line (A)	Description (B)	Amount (C)	Amount (D)
1	Projected Cash Balance at Proposed Line Charge Before Cash Adjustment (a)		
2	One-Eighth of Projected Expenses, As Adjusted (Excluding Depreciation)		
3	Planned Capital Expenditures During Projection Period (Attach Supporting Schedule)		
4	Line 2 plus Line 3		
5	If Line 4 is greater than Line 1, enter amount from Line 4 here. If Line 4 is less than Line 1, go to Line 7.		
6	Adjustment to Cash Balance (Line 5 minus Line 1) *IF THERE IS AN ENTRY ON LINE 5, STOP HERE AND ENTER AMOUNT FROM LINE 6 ON LINE 3 OF PAGE-1 SCHEDULE A-1		
7	One-Fourth of Projected Expenses, As Adjusted (Excluding Depreciation)		
8	Amount from Line 3		
9	Line 7 plus Line 8		
10	If Line 9 is less than Line 1, enter amount from Line 9 here. If Line 9 is greater than Line 1, there is no adjustment to Cash Balance.		
11	Adjustment to Cash Balance (Line 10 minus Line 1) *IF THERE IS AN ENTRY ON LINE 10, ENTER AMOUNT FROM LINE 11 ON LINE 3 OF SCHEDULE A-1.		

(a) Amount from line 7, Column D, Schedule A-76.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755.EXHIBIT F Supporting Schedule of Planned Capital Expenditures During Projection Period (Schedule A-6)

Line (A)	Description (B)	Amount (C)	Amount (D)
1.	Amount of Property and Equipment Purchased in prior calendar years to be paid in projection period:		
2.	TT Equipment		
3.	Telebraille Equipment		
4.	LVD Equipment		
5.	Computer Equipment and Software		
6.	Furniture and Fixtures		
7.	Buildings		
8.	Subtotal		
9.	Add: Amount of Projected Property and Equipment purchases:		
10.	TT Equipment		
11.	Telebraille Equipment		
12.	LVD Equipment		
13.	Computer Equipment and Software		
14.	Furniture and Fixtures		
15.	Buildings		
16.	Subtotal (a)		
17.	Less: Amount of Projected Property and Equipment Purchases to be Paid in years following projection period:		
18.	TT Equipment		
19.	Telebraille Equipment		
20.	LVD Equipment		
21.	Computer Equipment and Software		
22.	Furniture and Fixtures		
23.	Buildings		
24.	Subtotal		
25.	Total Planned Capital Expenditures During Projection Period (a) Amount from Line 9, Column D, Schedule A-9		

(Source: Added at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755. EXHIBIT G Schedule of Projected Increase to Cash Under Proposed Line Charge Before Cash Adjustment (Schedule A-76)

Line (A)	Description (B)	Amount (C)	Amount (D)
1	Projected Cash Balance at Present Rates, as adjusted		
2	Projected increase to Cash Balance at proposed line charge before cash adjustment calculation		
3	Projection Period Revenues (Over)/Under Expenses at Present Line Charge, as adjusted (a)		
4	Prior period actual revenues (Over)/Under Expenses (b)		
5	Subtotal (Line 3 plus Line 4)		
6	Projected increase/(decrease) to cash under proposed line charge before cash adjustment (One-Half of Line 5)		
7	Projected Cash Balance at proposed line charge before cash adjustment (Line 1 plus Line 6)		

(a) Amount from Line 17 i6, Column E, Schedule A-3.

(b) Amount from Line 17 i6, Column D, Schedule A-4.

(Source: Relettered from Exhibit F and amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755. EXHIBIT H6 Call Volumes and Subscriber Lines (Schedule A-87)

		TRS Busi-Party-Retay-Service			Subscriber Lines		
		Call Volume					
Line (A)	Month (B)	Actual Prior Cal Yr (C)	Proj. Period (D)	Diff. Col D - Col C (E)	Actual Prior Cal Yr (F)	Proj. Period (G)	Diff. Col G - Col F (H)
1	Jan						
2	Feb						
3	Mar						
4	Apr						
5	May						
6	June						
7	July						
8	Aug						
9	Sept						
10	Oct						
11	Nov						
12	Dec						
13	Total						

(Source: Relettered from Exhibit G and amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

Section 755. EXHIBIT IH Depreciation Schedule (Schedule A-9 A-8)

Line (A)	Description (B)	Actual Prior Cal Yr 12/31/ Prop and Equipment At Cost (C)	Proj Period (Year) Retire- ments (D)	Proj Period (Year) Prop and Equipment At Cost (E)	Proj Period (Year) Prop and Equipment At Cost (F)	Average Useful Life (G)	Depreciatio Expense (H)
1	Buildings	—	—	—	—	—	—
2	Computer Equipment	—	—	—	—	—	—
3	Computer Software	—	—	—	—	—	—
34	Furniture and Fixtures	—	—	—	—	—	—
45	TELETYPE Equipment	—	—	—	—	—	—
56	Teletaille Equipment	—	—	—	—	—	—
67	Large Visual Display Equip.	—	—	—	—	—	—
78	Other	—	—	—	—	—	—
8	—	—	—	—	—	—	—
9	Total	—	—	—	—	—	—

Reconciliation of Accumulated Depreciation

11	Accumulated Depreciation	12/31/ Accumulated Depreciation	(Year) Depreciation Expense	12/31/ Accumulated Depreciation
12	—	—	—	—
13	—	—	—	—
14	—	—	—	—
15	—	—	—	—
16	—	—	—	—

(Source: Relettered from Exhibit H and amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

Section 755. EXHIBIT J f Projected Payroll Expenses, As Adjusted (Other than
DPRS Payroll Expenses) (Schedule A-10 A-9)

Line (A)	Description (B)	Year Ending 12/31 (C)	Amount (D)
1	Executive Wages	—	—
2	Other Management Wages	—	—
3	Non-Management Wages	—	—
4	Sub-Total	—	—
5	Executive Benefits	—	—
6	Other Management Benefits	—	—
7	Non-Management Benefits	—	—
8	Subtotal	—	—
9	Total Payroll Expenses	—	—

(Source: Relettered from Exhibit I and amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

Section 755. EXHIBIT LK Comparative Actual and Projected Balance Sheets, At
Proposed Line Charge, As Adjusted (Schedule A-11 A-12)

Section 755. EXHIBIT KJ Projected Line Charge Filing Expenses (Schedule A-10
A-11)

Line (A)	Description (B)	Actual Prior Calendar Year 12/31/ (C)	Projected 12/31/ (D)
1	ASSETS		
2	Current Assets:		
3	Cash, and Cash Equivalents		
4	and Other Cash Investments		
5	Accounts Receivable		
6	Interest Receivable		
7	Prepaid Distribution Expense		
8	Other:		
9	Total Current Assets		
10	Property and Equipment:		
	Computer Hardware		
	Equipment and Software		
	Furniture and Fixtures		
11	TT 999 Equipment		
12	Teletype Equipment		
13	Large Visual Display Equipment		
14	Less: Accumulated Depreciation		
15	Property and Equipment, Net		
16	Other:		
17	Total Assets		
18	LIABILITIES AND FUND BALANCE		
19	Current Liabilities:		
20	Accounts Payable		
21	TRs BPRS		
22	Other:		
23	Total Current Liabilities		
24	Fund Balance:		
25	Beginning Balance		
26	Revenues Over/(Under) Expenses		
27	Ending Balance		
28	Total Liabilities and Fund		
29	Balance		

(Source: Relattered from Exhibit K and amended at 19 Ill. Reg.
, effective)

Year Ending
12/31
(C)

Line
(A)

Legal
Accounting
Other:
Other:
Total

(Source: Relattered from Exhibit J and amended at 19 Ill. Reg.
, effective)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755. EXHIBIT MB Comparative Actual and Projected Statements of Revenues and Expenses at Proposed Line Charge, As Adjusted (Schedule A-12 A-13)

Line (A)	Description (B)	Actual Prior Calendar Year 12/31/ (C)	Projected 12/31/ (D)
----------	-----------------	---------------------------------------	----------------------

1	Revenues		
2	Subscriber Line Charge		
3	Investment Income		
4	TRS Dual-Party-Relay-Service		
5	Other:		
6	Total Revenues		
7	Expenses:		
8	TRS Dual-Party-Relay-Service		
9	Administration		
10	Equipment Distribution and Maintenance		
11	Legal		
12	Accounting and Consulting		
13	Depreciation		
14	(Gain)/Loss on Property and Equipment Retirements		
15+4	Other Expenses:		
16+5	Total Expenses		
17+6	Revenues Over/(Under) Expenses		

(Source: Retellettered from Exhibit L and amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755. EXHIBIT NM Local Exchange Carrier Monthly Report to ITAC

Local Exchange Carrier Name: _____

Remittance for (Month/Year): _____

Line (A)	Description (B)	Number (C)	Rate (D)	Revenues (b) (E)
1	Subscriber Lines (a)			
2	Centrex Lines			
3	Intra-MSA TRS dual-party relay-service billable messages billed			
4	inter-MSA dual-party relay-service-billable messages-billed-as agent-for-an-inter-exchange-carrier			
45	Prior Period Adjustment (Attach Explanation)			
56	Total Remittance			

(a) "Subscriber lines" means access lines, as defined in 83 Ill. Adm. Code 730.105, of local exchange carriers subject-to-the jurisdiction-of-the-Illinois-Commerce-Commission as defined in 83 Ill. Adm. Code 755.10 (including telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act), 740-1157 but shall not include Feature Groups A, B, C and D access lines, 800 lines or access lines used for official communications of telecommunications carriers providing local exchange service. Also, for purposes of this report, "subscriber lines" does not include Centrex lines.

(b) All revenue amounts shall be reported net of uncollectible amounts and applicable discounts as prescribed by Sections 756.220(d) and 756.125(a)(2)(C), respectively.

Date Prepared: _____
Originator: _____

Phone: _____

(Source: Retellettered from Exhibit M and amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Data Collections
2) Code Citation: 77 Ill. Adm. Code 2510
3) Section Numbers: Proposed Action:
2510.Appendix D Amendment

- 4) Statutory Authority: Section 2-3 of Article II and Section 4-2 of Article IV of the Illinois Health Finance Reform Act (20 ILCS 2215/4-2, 2-3)
5) A Complete Description of the Subjects and Issues Involved: The amendments enable the Agency to identify those claims that are worker's compensation claims and/or are claims arising from nonoccupational accidental injury.
6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments allow the Agency to correctly identify worker's compensation claims and claims arising from nonoccupational accidental injuries. A large number of Illinois employers, insurers, consumers, as well as government and academic policymakers will receive additional information upon which to base legislation, regulation, purchasing and other decisions.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing within 45 days after this issue of the *Illinois Register* to:

Britt Hagen, Deputy Executive Director
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, IL 62703-5118
(217) 786-7001

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals

B) Reporting, bookkeeping or other procedures required for compliance:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 755. EXHIBIT N Inter-Exchange Carrier Monthly Remittance Report to IFAC (Repealed)

Inter-Exchange-Carrier-Name:-----

Remittance-for-(Month/year):-----

		Inter-MSA-Messages	
		Billed-for-Month	Revenues-(b)
		(a)	(b)

1	Direct-Inter-Exchange-Carrier		
	Billings-(a)	-----	-----
2	Prior-Period-Adjustments	-----	-----
	Attach-Explanation	-----	-----
3	Total-Remittance	-----	-----

(a)-This line shall include data for calls billed to customers directly by the inter-exchange carrier and for calls billed by an agent of the inter-exchange carrier if such agent is other than a local-exchange-carrier.			
(b)-All revenue amounts shall be reported net of uncollectible amounts and applicable discounts as prescribed by Sections 756-220(d) and 756-125(a)(2) respectively.			

Date-Prepared:-----
Originator:-----
(Source: Repealed at 19 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because:

The full text of the Proposed Amendment begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510

DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Submission of Medicaid Cost Reports
2510.40	Collection of Information on Uniform Billing Form
2510.50	Report of Inpatient Discharges
2510.55	Quarterly Reports
2510.60	Special Studies and Analysis
2510.70	Confidentiality
2510.80	Format of the Financial Data Report
2510.85	Hospital Review
2510.90	
APPENDIX A	Illinois Health Care Cost Containment Council Annual Financial Data Report
APPENDIX B	UB-82 Magnetic Media Record Format
APPENDIX C	UB-82 Uniform Bill Data Fields
APPENDIX D	UB-92 Magnetic Media Record Format
APPENDIX E	UB-92 Uniform Bill Data Fields

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (20 ILCS 2215/2-3 and Art. IV).

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 9896, effective June 10, 1993; emergency amendment at 17 Ill. Reg. 14112, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5300, effective March 21, 1994; emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16810, effective November 4, 1994; amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; amended at 19 Ill. Reg. _____, effective _____.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

Section 2510.APPENDIX D UB-92 Magnetic Media Record Format

Beginning August 1997 ~~14-August-1995~~ all hospitals may use the following format for submission to the Council. Beginning November 1997 ~~20--November--1995~~ all hospitals must use this format for submission to the Council.

HEADER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
1	Hospital ID Number (Medicaid Provider Number)	1	12	12	A	
2	Hospital Name	13	52	40	A	
3	Hospital Street Address	53	92	40	A	
4	Hospital City	93	112	20	A	
5	Hospital Zip Code	113	117	5	A	
6	Contact Person	118	157	40	A	
7	Telephone Number	158	167	10	A	(XXX)XXX-XXXX
8	Period Covered First Day	168	173	6	N	MMDDYY
9	Last Day	174	179	6	N	MMDDYY
10	Filler	180	915	736	A	Blank Fill

UB-92 Magnetic Media Record Format

Beginning ~~14-August-1995~~ August 1997 all hospitals may use the following format for submission to the Council. Beginning ~~20-November-1995~~ November 1997 all hospitals must use this format for submission to the Council.

LOGICAL RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
1	Patient Date of Birth	14	1	8	8	N	MMDDCCYY
2	Patient Sex	15	9	1	1	A	
3a	Patient Zip Code	13	10	14	5	N	Unknown-00000 Foreign-99999
3b	ZIP PLUS 4	13	15	18	4	A	Blank Fill IF NO NUMBER
4a	1st Individual Payer ID Number	50a	19	27	9	A	Left justify, space fill right
4b	2nd Individual Payer ID Number	50b	28	36	9	A	Left justify, space fill right

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
4c	3rd Individual Payer ID Number	50c	37	45	9	A	Left justify, space fill right
5	Date of Admission	17	46	51	6	N	MMDDYY
6	Source of Admission	20	52	1	N		
7	Type of Admission	19	53	1	N		
8a	Type of Bill	4	54	56	3	N	
8b	Discharge Date	6	57	62	6	N	MMDDYY
8c	Principal Diagnosis	67	63	68	6	A	Left justify, space fill right no decimal
9b	1st Other Diagnosis	68	69	74	6	A	Left justify, space fill right no decimal
9c	2nd Other Diagnosis	69	75	80	6	A	Left justify, space fill right no decimal
9d	3rd Other Diagnosis	70	81	86	6	A	Left justify, space fill right no decimal
9e	4th Other Diagnosis	71	87	92	6	A	Left justify, space fill right no decimal
9f	5th Other Diagnosis	72	93	98	6	A	Left justify, space fill right no decimal
9g	6th Other Diagnosis	73	99	104	6	A	Left justify, space fill right no decimal
9h	7th Other Diagnosis	74	105	110	6	A	Left justify, space fill right no decimal
9i	8th Other Diagnosis	75	111	116	6	A	Left justify, space fill right no decimal
10a	Procedure Coding Method Used	79	117	117	1	N	
10b	Principal Procedure	80	118	124	7	A	ICD-9-CM - 99V99999
10c	Principal Procedure Date	80	125	130	6	N	MMDDYY
11	Patient Status	22	131	132	2	N	
12a	1st Other Procedure Date	81a	133	139	7	A	ICD-9-CM - 99V99999
12b	1st Other Procedure Date	81a	140	145	6	N	MMDDYY
12c	2nd Other Procedure Date	81b	146	152	7	A	ICD-9-CM - 99V99999
12d	2nd Other Procedure Date	81b	153	158	6	N	MMDDYY
12e	3rd Other Procedure Date	81c	159	165	7	A	ICD-9-CM - 99V99999
12f	3rd Other Procedure Date	81c	166	171	6	N	MMDDYY
12g	4th Other Procedure Date	81d	172	178	7	A	ICD-9-CM - 99V99999
12h	4th Other Procedure Date	81d	179	184	6	N	MMDDYY
12i	5th Other Procedure Date	81e	185	191	7	A	ICD-9-CM - 99V99999
12j	5th Other Procedure Date	81e	192	197	6	N	MMDDYY
13a	1st Revenue Code	42a	198	201	4	N	Right justify, zero fill left
13b	Units of Service	44a	202	208	7	N	Right justify, zero fill left
13c	Charges	47a	209	218	10	N	Right justify, zero fill left
13d	2nd Revenue Code	42b	219	222	4	N	Right justify, zero fill left
13e	Units of Service	44b	223	229	7	N	Right justify, zero fill left

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13b	Charges	47c	250	256	10	N
13c	3rd Revenue Code	42c	240	243	4	N
13c	Units of Service	46c	244	250	7	N
13c	Charges	47c	251	260	10	N
13d	4th Revenue Code	42d	261	264	4	N
13d	Units of Service	46d	265	271	7	N
13d	Charges	47d	272	281	10	N
13e	5th Revenue Code	42e	282	285	4	N
13e	Units of Service	46e	286	292	7	N
13e	Charges	47e	293	302	10	N
13f	6th Revenue Code	42f	303	306	4	N
13f	Units of Service	46f	307	313	7	N
13f	Charges	47f	314	323	10	N
13g	7th Revenue Code	42g	324	327	4	N
13g	Units of Service	46g	328	334	7	N
13g	Charges	47g	335	344	10	N
13h	8th Revenue Code	42h	345	348	4	N
13h	Units of Service	46h	349	355	7	N
13h	Charges	47h	356	365	10	N
13i	9th Revenue Code	42i	366	369	4	N
13i	Units of Service	46i	370	376	7	N

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13i	Charges	47i	377	386	10	N
13j	10th Revenue Code	42j	387	390	4	N
13j	Units of Service	46j	391	397	7	N
13j	Charges	47j	398	407	10	N
13k	11th Revenue Code	42k	408	411	4	N
13k	Units of Service	46k	412	418	7	N
13k	Charges	47k	419	428	10	N
13l	12th Revenue Code	42l	429	432	4	N
13l	Units of Service	46l	433	439	7	N
13m	13th Revenue Code	42m	450	453	4	N
13m	Units of Service	46m	454	460	7	N
13m	Charges	47m	461	470	10	N
13n	14th Revenue Code	42n	471	474	4	N
13n	Units of Service	46n	475	481	7	N
13n	Charges	47n	482	491	10	N
13o	15th Revenue Code	42o	492	495	4	N
13o	Units of Service	46o	496	502	7	N

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13a	Charges	47a	503	512	10	N
13b	16th Revenue Code	42b	513	518	4	N
13c	Units of Service	46a	517	523	7	N
13d	Charges	47a	524	533	10	N
13e	17th Revenue Code	42c	534	537	4	N
13f	Units of Service	46a	538	544	7	N
13g	Charges	47a	545	554	10	N
13h	18th Revenue Code	42i	555	558	4	N
13i	Units of Service	46i	559	565	7	N
DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13j	Charges	47i	566	575	10	N
13k	19th Revenue Code	42s	576	579	4	N
13l	Units of Service	46s	580	586	7	N
13m	Charges	47s	587	596	10	N
13n	20th Revenue Code	42t	597	600	4	N
13o	Units of Service	46t	601	607	7	N
13p	Charges	47t	608	617	10	N
13q	21st Revenue Code	42u	618	621	4	N
13r	Units of Service	46u	622	628	7	N
13s	Charges	47u	629	638	10	N

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13v	22nd Revenue Code	42v	639	642	4	N
13w	Units of Service	46v	643	649	7	N
13x	Charges	47v	650	659	10	N
13y	23rd Revenue Code	42w	660	663	4	N
13z	Units of Service	46w	664	670	7	N
13aa	Charges	47w	671	680	10	N
14	Attending Physician ID Number	82	681	690	10	A
15	Hospital ID Number	5	691	702	12	A
16	Patient ID Number	3	703	722	20	A
17a	1st Inscr Grp Number	62a	723	739	17	A
17b	2nd Inscr Grp Number	62b	740	756	17	A
17c	3rd Inscr Grp Number	62c	757	773	17	A
17d	Other Physician ID Number	63a	774	783	10	A
17e	Other Physician ID Number	63b	784	793	10	A
17f	1st Condition Code	24	794	795	2	A
DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
18b	2nd Condition Code	25	796	797	2	A
18c	3rd Condition Code	26	798	799	2	A
18d	4th Condition Code	27	800	801	2	A
18e	5th Condition Code	28	802	803	2	A
18f	6th Condition Code	29	804	805	2	A
18g	7th Condition Code	30	806	807	2	A
18h	8th Condition Code	31	808	809	2	A
18i	1st Occurrence Date	32a	810	815	6	N
18j	2nd Occurrence Date	32b	816	817	2	A
18k	3rd Occurrence Date	32c	818	823	6	N
18l	4th Occurrence Date	32d	824	825	2	A
18m	5th Occurrence Date	32e	826	831	6	N
18n	6th Occurrence Date	32f	832	833	2	A
18o	7th Occurrence Date	32g	834	839	6	N
18p	8th Occurrence Date	32h	840	841	2	A
18q	9th Occurrence Date	32i	842	847	6	N
18r	10th Occurrence Date	32j	848	849	2	A
18s	11th Occurrence Date	32k	850	855	6	N
18t	12th Occurrence Date	32l	856	857	2	A
18u	13th Occurrence Date	32m	858	863	6	N
18v	14th Occurrence Date	32n	864	865	2	A

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
20p	8th Occurrence Date	35b	866	871	6	N	MMDDYY
21a	1st Occurrence Span Code	36a	872	873	2	A	
21b	1st Occurrence From Date	36a	874	879	6	N	MMDDYY
21c	1st Occurrence Through Date	36a	880	885	6	N	MMDDYY
21d	2nd Occurrence Span Code	36b	886	887	2	A	
21e	2nd Occurrence From Date	36b	888	893	6	N	MMDDYY
21f	2nd Occurrence Through Date	36b	894	899	6	N	MMDDYY
	Filler		900	915	16	A	Blank Filler

UB-92 Magnetic Media Record Format

Beginning ~~14 August 1995~~ ~~20 November 1995~~ ~~1997~~ all hospitals may use the following format for submission to the Council. Beginning ~~20 November 1995~~ ~~November 1997~~ all hospitals must use this format for submission to the Council.

TRAILER RECORD FIELD DESCRIPTION						
DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM	POSITION TO	LENGTH	PICTURE	FORMAT
1	Hospital ID Number (Medicaid Provider Number)	1	12	12	A	
2	Number of Records (Logical Records contained in the file excluding the Header and Trailer Records)	13	17	5	N	
3	Filler	18	915	898	A	Blank filler

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

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1) Heading of the Part: Health Maintenance Organization

2) Code Citation: 50 Ill. Adm. Code 6101

Section Numbers:	Proposed Action:
6101.10	Amended
6101.20	Amended
6101.30	Amended
6101.40	Amended
6101.50	Amended
6101.60	Amended
6101.70	Amended
6101.80	Amended
6101.100	Amended
6101.110	Amended
6101.112	Amended
6101.113	New Section
6101.120	Amended
6101.130	Amended
6101.140	Amended
6101.141	Amended
6101.142	Amended
6101.150	Amended

4) Statutory Authority: Implementing and authorized by Sections 5-2 and 5-7 of the Health Maintenance Organization Act [215 ILCS 125/5-2 and 5-7].

5) A Complete Description of the Subjects and Issues Involved: The Department has undertaken this rulemaking to add new requirements for Point of Service Plans which can be found in Section 6101.113 of this Part, revise existing requirements and clarify our regulatory intent.

These Amendments set minimum coverage standards for basic health care services, full and fair disclosure of health care services provided by group contracts or evidences of coverage including coordination of benefits, conversion, cancellation, termination, deductibles and copayments, pre-existing conditions and other provisions to carry out the HMO Act.

6) Will this proposed Amendment replace emergency rules currently in effect?
No

7) Does this Amendment contain an automatic repeal date? No

8) Does this proposed Amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

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10) Statement of Statewide Policy Objectives: These proposed amendments will not establish, expand or modify the Department's activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout	Denise Fuchs
Assistant Chief Counsel	Rules Unit Supervisor
Department of Insurance	Department of Insurance
320 West Washington	(or) 320 West Washington
Springfield, Illinois 62767	Springfield, Illinois 62767
(217) 782-8216	(217) 785-8560

12) Initial Regulatory Flexibility Analysis: The Department has determined that these amendments will not affect small businesses.

13) Regulatory Agenda on which this Amendment was summarized: January 1995

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ddd: HEALTH MAINTENANCE ORGANIZATIONS

PART 6101
HEALTH MAINTENANCE ORGANIZATION

Section	Scope
6101.10	Definitions
6101.20	Valuation of Investments Filing of Application--for--Certificate--of
6101.30	Authority
6101.40	Grievance Procedure
6101.50	Contracts, and Administrative Arrangements and Material Modifications
6101.60	Rates
6101.70	Capitalization--Contingent--Reserves Subordinated Notes, ---and Dividend--Payments Indebtedness
6101.80	Financial Reporting
6101.90	Conflict of Interest and Required Disclosure
6101.100	Solicitation
6101.110	Requirements for Group Contracts, Evidences of Coverage and Individual Contracts
6101.111	Cancellation
6101.112	Form Filing Requirements
6101.113	Point of Service Plan Requirements
6101.120	Internal Security Standards and Fidelity Bonds
6101.130	Basic Health Care Services
6101.140	General Provisions
6101.141	HMO Producer Licensing Requirements
6101.142	Limited Insurance Representative Requirements - Public Aid and Medicare Enrollers
6101.150	Severability
6101.160	Effective Date (Repealed)

AUTHORITY: Implementing and authorized by Sections 5-2 and 5-7 of the Health Maintenance Organization Act [215 ILCS 125/5-2 and 5-7].

SOURCE: Filed June 16, 1976, effective July 1, 1976; codified at 7 Ill. Reg. 3016; amended at 15 Ill. Reg. 199, effective December 28, 1990; amended at 19 Ill. Reg. _____, effective _____.

Section 6101.10 Scope

This Part ~~These--Rules~~ shall apply to any Health Maintenance Organization (HMO) as defined in the Act.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 6101.20 Definitions

"Act" means the Health Maintenance Organization Act [215 ILCS 125], hereinafter referred to as the "Act" ~~†††-Rev-Stat-7-1997-Ch-111-1-7-Par-1401-et-seq-7-as-amended.~~

"Advertisement" means any printed or published material, audiovisual material and descriptive literature of the health care plan used in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the health care plan for presentation to the public including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and prepared sales presentations (Section 1-2(1) of the Act).

"Basic Health Care Services" means emergency care, and inpatient hospital and physician care, outpatient medical services, mental health services and care for alcohol and drug abuse, including any reasonable deductibles and co-payments, all of which are subject to such limitations as are set forth in this Part (Section 1-2(3) of the Act).

"Cancellation" means the termination of a group contract, evidence of coverage or individual contract by an HMO prior to the expiration date of the group contract, evidence of coverage or individual contract.

"Consumer" means any enrollee, provided that such individual is not or has not been in the previous two years: an employee (including his spouse or dependent) of the HMO or affiliate of the HMO; or a provider furnishing health care services to the HMO or affiliate of the HMO.

"Copayment" means the amount an enrollee must pay in order to receive a specific covered service which is not fully prepaid.

"Deductible" means the amount an enrollee is responsible to pay out-of-pocket before the HMO begins to pay the costs associated with treatment.

"Department" mean the Illinois Department of Insurance.

Department of Insurance Complaint means a written complaint filed by or on behalf of an enrollee, with the Department pursuant to Section 1-6 of the Act [215 ILCS 125/1-6], excluding complaints filed by Illinois Department of Public Aid HMO members under Section 5-11 [305 ILCS 5/5-11] and complaints subject to handling by the Health Care Financing Administration pursuant to a contract entered into between

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the Health Care Financing Administration and the HMO.

"Director" means the Director of the Illinois Department of Insurance (Section 1-2(2) of the Act).

Emergency means a sudden need for immediate medical attention, generally received within 24 hours after onset, resulting from a life threatening condition or situation, or a condition which would result in serious impairment of bodily functions if treatment were not rendered immediately.

"Enrollee" means an individual who has been enrolled in a health care plan (Section 1-2(4) of the Act).

"Evidence of Coverage" means any certificate, agreement, or contract issued to enrollees ~~an-enrollee~~ setting out the coverage to which they are ~~he-is~~ entitled in exchange for a per capita prepaid sum (Section 1-2(5) of the Act).

"Governing Body" means the Board of Trustees, or directors, or if otherwise designated in the basic organizational document bylaws, those individuals vested with the ultimate responsibility for the management of any organization that has been issued, or is applying for, a certificate of authority as an HMO ~~a--Health--Maintenance Organization~~.

"Grievance" means any written complaint submitted to the HMO by or on behalf of an enrollee regarding any aspect of the HMO relative to the enrollee, but shall not include any complaint by or on behalf of a provider.

"Grievance Committee" means individuals who have been appointed by the HMO to respond to grievances which have been filed on appeal from the HMO's simplified complaint process established pursuant to Section 5101.40(d) of this Part. At least 50 percent of the individuals ~~members~~ on this committee shall be composed of enrollees who are consumers.

"Group Contract" means a contract for health care services which by its terms limits eligibility to members of a specified group (Section 1-2(6) of the Act).

"Health Care Plan" means any arrangement whereby any organization undertakes to provide or arrange for and pay for or reimburse the cost of any basic health care services from providers selected by the HMO ~~Health-Maintenance--Organization~~ and such arrangement consists of arranging for or the provision of such health care services, as distinguished from mere indemnification against the cost of such

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services, except as otherwise authorized by Section 2-3 of the Act, on a per capita prepaid basis, through insurance or otherwise (Section 1-2(7) of the Act).

"Health Care Services" means any services included in the furnishing to any individual of medical or dental care, or the hospitalization or incident to the furnishing of such care or hospitalization as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing or healing human illness or injury (Section 1-2(8) of the Act).

"HMO" means Health Maintenance Organization.

"Individual Contract" means a contract for health care services issued to and covering an individual. The individual contract may include dependents of the subscriber.

"Limited Insurance Representative" means an individual appointed by an HMO to represent the HMO in the enrollment of recipients of Public Aid or Medicare in the HMO.

Managed Care Organization (MCO) "Individual-Practice-Association" means a partnership, association, corporation or other legal entity, including but not limited to individual practice associations (IPAs) and Physician Hospital Organizations (PHOs), which delivers or arranges for the delivery of health care services through providers it has contracted with or otherwise made arrangements with to furnish such health care services.

"Notice of Availability of the Department" as required by this Part shall be no less informative than the following:

The regulations Rules of the Illinois Department of Insurance (50 Ill. Adm. Code 6101.100) requires that we advise you that if you wish to take this matter up with the Illinois Department of Insurance it maintains a Consumer Division in Chicago at 100 W. Randolph Street, Suite 15-100, Chicago, Illinois 60601-3251 and in Springfield at 320 West Washington Street, Springfield, Illinois 62767-0001.

Point of Service Plan means a plan in which an eligible enrollee is covered under both an HMO evidence of coverage and an indemnity group insurance certificate and may select, on a point of service basis, between using the HMO or the indemnity benefit program. Under such a plan enrollees, at their option, may obtain health care services, including but not limited to basic health care services as defined in Section 1-2(3) of the Act [215 ILCS 125/1-2(3)] and Section 6101.130 of this Part outside the HMO's provider network.

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"Primary Care Physician" means a provider who has contracted with an HMO to provide primary care services as defined by the contract and who is:

a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice of internal medicine, pediatrics, gynecology, obstetrics or family practice, or

a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery (77 Ill. Adm. Code 240.2).

"Producer" means a person directly or indirectly associated with a health care plan who engages in solicitation or enrollment (Section 1-2(13) of the Act).

"Provider" means any physician, hospital facility, or other person which is licensed or otherwise authorized to furnish health care service and also includes any other entity that arranges for the delivery or furnishing of health care services (Section 1-2(12) of the Act).

"Renewal" means the issuance and delivery by an HMO of a group contract or individual contract superseding at the end of the contract period a contract previously issued and delivered by the same HMO or the issuance and delivery of a certificate or notice extending the term of the group or individual contract beyond its contract term.

"Solicitation" means any method means by which information relative to an HMO is made known to the public for the purpose of informing or influencing potential enrollees to enroll in a Health Care Plan, regardless of the media or technique used.

"State" means any governing body, department, or agency of the State of Illinois which has regulatory authority governing the Health Maintenance-Organization Act.

"Subscriber" means a person who has entered into a contractual relationship with the HMO for the provision of or arrangement of at least Basic Health Care Services to the beneficiaries of such contract (Section 1-2(15) of the Act).

"Supplemental Health Care Services" means any health care service other than basic health care services.

"Usual and Customary Fee" shall mean the fee as reasonably determined by the HMO that which is based on the fee which the provider who renders the service usually charges its patients for the same service

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and the fee which is within the range of usual fees other providers of similar type, training and experience in a similar geographic area charge their patients for the same service, under similar or comparable circumstances.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.30 Valuation of Investments Filing of Application for Certificate of Authority

a) The "Valuations of Securities Manual" as of December 31, 1994 (no later editions or amendments) as published by the National Association of Insurance Commissioners (NAIC) shall be used for valuing securities for which valuations are not otherwise defined by statute or rule. The Director shall disallow any procedure prescribed by this manual if the Director deems it necessary to ascertain the condition and affairs of the company. In making this determination, the Director shall consider such factors as:

- 1) the nature of the investment (stocks or bonds);
- 2) the financial condition of the issuing company;
- 3) the applicability of other standardized accounting procedures; and

1) other factors affecting the accuracy of the valuation.

b) The following procedure shall be required for the listed investment:

1) Real Estate

Written appraisals for real estate investments shall be submitted to the Department for review 15 days following the end of the month in which the real estate was acquired. Real estate investments requiring approval under Section 3-1(h)(16)(iii) of the Act [215 ILCS 125/3-1(h)(16)(iii)] shall have an appraisal. The appraisal shall be reviewed to insure that the appraisal was performed by persons qualified under this subsection, performed in the customary manner, and that the appraisal supports the valuation amount expressed by the company in its annual statement. Such appraisals shall be performed by a member of the American Institute of Real Estate Appraisers.

2)

A company that has an investment which cannot be valued in accordance with the foregoing procedures must file a request for valuation with the Department within 15 days following the end of the month in which the investment is acquired. This request shall include at a minimum the following information:

- A) A description of the investment;
- B) Date of acquisition;
- C) Name of vendor;
- D) Cost of investment to company;
- E) Par value, if relevant;

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- F) Rate and/or amount of interest, dividend or other compensation earned or accrued;
- G) Any other significant terms of the investment.

a) Any Person applying for a Certificate of Authority to operate or be responsible for the operations of a Health Maintenance Organization except as provided for in Section 11 of the Act (11-1/27-Rev. Stat. 1981, ch. 111-1/27-par. 14117) shall organize a separate and distinct corporation partnership trust or other legal entity for the purpose of providing or arranging for one or more Health Care Plans and conducting no other business not related to the operations of an HMO.

b) All applications for a Certificate of Authority will be reviewed in accordance with the standards set forth in these rules, the Act and the rules and regulations of the Department of Public Health. For the purpose of making application for a Certificate of Authority, the requirements of the Department of Public Health will be satisfied upon certification by the Director of the Department of Public Health that the applicant has met the requirements of Section 4 of the Act (11-1/27-Rev. Stat. 1981, ch. 111-1/27-par. 1404).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.40 Grievance Procedure

a) Every HMO shall submit for the Director's approval, and thereafter maintain, a system for the resolution of grievances concerning the provision of health care services or other matters concerning operation of the HMO as follows. Each HMO shall:

- 1) Submit to the Director for prior approval any proposed changes to the system by which grievances may be filed and reviewed;
- 2) Maintain records of each grievance filed with the HMO until the grievance is resolved and for a period of at least 3 years to include:

- A) A copy of the grievance, the date of its filing,
 - B) The date and outcome of all consultations, hearings and hearing findings,
 - C) The date and decisions of any appeal proceedings, and
 - D) The date and proceedings of any litigation;
- 3) Submit to the Director in a form prescribed by the Director, a report by March 1 for the previous calendar year which shall include at least the following:

- A) the total number of grievances handled;
- B) a compilation of causes underlying the grievances;
- C) the outcomes of the grievances;
- D) the elapsed time from receipt of the grievance by the HMO until its conclusion; and
- E) the number of malpractice claims filed and if such claims

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have been completely adjudicated, a compilation of causes, disposition, form and amount of any settlements.

- b) Every HMO shall have a grievance committee which shall have the authority to hear and resolve by majority vote grievances submitted to it as provided in subsection Subsection (a) above.

1) Notwithstanding any other provisions of this Section, the grievance committee may, but is not required to, hear any grievance which alleges or indicates possible professional liability, commonly known as "malpractice."

2) The committee is not empowered to resolve grievances in any manner which, or prescribe any actions that which, are in conflict with written policies of the HMO's Governing Body, but the committee may hear such grievances for the purpose of providing input to the Governing Body.

3) The grievance committee shall meet at the main office of the HMO, or such other office designated by the HMO where the main office is not within fifty (50) miles of the grievant's home address. Consideration shall be given to the enrollee's request pertaining to the time and date of such meeting. The enrollee shall have the right to attend and participate in the formal grievance proceedings. The enrollee shall have the right to be represented by a designated representative of his choice.

4) The filing of a grievance shall not preclude the enrollee from filing a complaint with the Department nor shall it preclude the Department from investigating a complaint pursuant to its authority under Section 4-6 of the Act.

c) The grievance procedures must be fully and clearly communicated to all enrollees and information concerning such procedures shall be readily available to the enrollee.

d) Every HMO shall have simplified procedures for resolving complaints. Such procedures do not require review of the complaint by the grievance committee, but a log, file, or other similar records must be maintained to identify the general nature of such complaints. Resolution of such complaints shall not preclude the enrollees' rightful access to review by the grievance committee of a grievance.

e) The HMO shall institute procedures which would require grievances to have a determination made by the grievance committee within 60 days from the date the grievance is received by the HMO. A grievance may not be heard or voted upon unless at least 50% of the individuals of the committee who are present are enrollees. The determination by the grievance committee may be extended for a period not to exceed 30 days in the event of a delay in obtaining the documents or records necessary for the resolution of the grievance. All requests for documents or records necessary for the resolution of the grievance shall be maintained in the HMO's grievance file.

f) The grievance procedure shall provide the enrollee with a written acknowledgment of their grievance within 10 business days after receipt by the HMO.

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g) The enrollee shall be notified at the time of the hearing of the name and affiliation of those grievance committee members who are representatives of the HMO.

h) The HMO shall institute procedures whereby any documentation furnished to the members of the grievance committee shall also be made available to the enrollee not less than five (5) business days prior to the hearing of their grievance. The HMO shall not present any evidence without the enrollee having been given the opportunity to be present.

i) Notification in writing of the determination of the grievance committee shall be mailed to the enrollee within five (5) business days of such determination. Notice of the determination made at the final appeal step of the HMO's grievance process shall include a 'Notice of Availability of the Department'.

j) Prior to the resolution of a grievance filed by a subscriber or enrollee, coverage shall not be terminated for any reason which is the subject of the written grievance, except where the HMO has, in good faith, made a reasonable effort to resolve the written grievance through its grievance procedure and coverage is being terminated as provided for in Section 6101.111 of this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.50 Contracts, and Administrative Arrangements and Material Modifications

a) Agreements or Contracts

1) A) All sample agreements or contracts, with variable language bracketed, under which any person Person is delegated management duties or control of the HMO Health-Maintenance-Organization, or which transfer a substantial part of any major function of the HMO including, but not limited to, all reinsurance treaties, all agreements with providers and MCO's Providers--IPA's and all administrative service contracts must be submitted to the Department of Insurance for prior-approval and the HMO must file with the Department any contract amendments, renewals, addendums thereto, or any change from those originally submitted and any material modification to the application submitted pursuant to Section 1-2 of the Act (215 ILCS 125/1-2) including, but not limited to, extension of service area for-approval.

2) The Illinois Department of Public Health shall also receive for review copies of all sample agreements with providers and MCO's, as well as any amendments, addendums or any change from those agreements originally submitted.

3) B) On a quarterly basis, each HMO must submit a list identifying any MCO such-IPA with which the HMO has a current contract. Such list must contain the name, address and telephone number of the MCO IPA as well as the name of its Administrator. The quarterly

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report shall be due at the Department within ten days following the end of each quarter.

4) All types of written health care provider Provider agreements must contain provisions whereby the provider Provider shall provide, arrange for, or participate in the quality assurance programs mandated by the Act [215 ILCS 125/2-8(b)], unless the Illinois Department of Public Health certifies that such programs will be fully implemented without any participation or action from such contracting provider Provider.

5) All provider Provider agreements shall provide for at least 30 days notice by the provider Provider for termination with cause, as defined in such provider Provider agreement, and at least 90 days notice by the provider Provider for termination without cause. The HMO Health-Maintenance-Organization must inform the Department of Insurance immediately of any known or intended termination, with or without cause, of an MCO.

6) Subscribers must receive notice from the HMO at least 45 days in advance of any termination which would curtail or eliminate services to subscribers. However, in the event that the HMO receives notice of less than 45 days from any provider Provider for termination of any contract which would curtail or eliminate services to subscribers, the HMO must provide immediate notice to the subscribers. Such Notice shall include instructions regarding referrals which have been issued and appointments which may be pending.

7) The contractual agreement between the provider Provider and the HMO must contain evidence that the provider Provider has professional liability insurance and that such insurance coverage is effective as of the effective date of such contract. Furthermore, the contract must set forth that the Provider will give at least 15 days advance notice of cancellation of such insurance. In those instances in which the HMO will provide physician services directly through employed physicians and not through contractual arrangement with a provider Provider, the HMO shall provide evidence to the Department of Insurance that each individual physician has such professional liability insurance or that the HMO has such coverage on behalf of such employed physicians.

b) The Director must disapprove any provider agreement if, at any time, he finds:

- 1) that the charges to the HMO are based on factors unrelated to the value of providing services to the HMO; or
- 2) that the contract will significantly impact or threaten the financial viability of the HMO; or
- 3) that the provider agreement would transfer substantial control of the HMO or any powers vested in the board of directors, by statute, articles of incorporation or bylaws, or substantially all of the basic functions of the HMO management; or

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4) that the provider agreement contains provisions which would be detrimental to the best interest of enrollees or subscribers of the HMO; or

5) that the provider is or has been affiliated directly or indirectly, through ownership, control, management, reinsurance transactions or other insurance, or business relations with any person or persons known to have been involved in the improper manipulation of assets, accounts or reinsurance.

c) If the Director disapproves of any provider agreement, notice of such action shall be given to the HMO assigning the reasons therefor in writing. The Director shall grant any party to the provider agreement a hearing upon request according to Article XXIV [215 ILCS 5/Art. XXIV] of the Illinois Insurance Code.

d) For any new or existing capitated provider agreement in which the provider furnishes, arranges or provides for health care services to greater than or equal to five percent (5%) of the HMO's current total enrollment, the HMO shall be required to file with the Director for his review pursuant to Section 5-4 of the Act such provider's most recent financial statement which shall include, but not be limited to, a balance sheet and a statement of revenues and expenses. Such information shall be deemed confidential by the Department. Such financial statement shall be filed with the initial submission of the provider agreement with the Department and thereafter on or before thirty (30) days prior to the date of renewal of the new or existing provider agreement unless the current term of the provider agreement is for more than one (1) year in which case the financial statement shall be filed annually on or before thirty (30) days prior to the anniversary date.

e) The procedure to be followed by HMOs for extension of operations into additional counties in Illinois shall be as follows:

1) Upon receipt of certification by the Illinois Department of Public Health, the HMO shall submit a letter to the Director amending its service area. This letter will indicate that all subscription certificates, rates, provider agreements, and any other applicable documents to be used to service the extended area are those previously filed or, if not, new or revised documents will be submitted to the Department for review.

2) Each such notification for extension of operations shall be accompanied by a list of the counties in which the HMO is authorized to operate prior to any requested extension of service area.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.60 Rates

a) The HMO shall file all schedules of rates to be used in conjunction

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with enrollee certificates. Such schedules shall be filed with the Director prior to the effective date and will be maintained as a public document by the Department.

- b) When the schedules of rates are filed, percentage change from the previous filing for the schedules of rates shall be included.

- c) Upon the request of the Director, the HMO shall submit actuarial documentation for any submitted rates which shall be stamped "confidential" by the HMO. Such documentation shall include, but not be limited to, the major cost components, experience, assumptions, and procedures used to develop the submitted rates. Such actuarial documentation shall be deemed confidential and proprietary by the Department unless specific authorization is given by the HMO.

- a) The Health Maintenance Organization shall submit all schedules of rates to be used in conjunction with enrollee certificates. Such schedules shall be submitted to the Director prior to the effective date and may be disapproved for specific reasons within 45 days of the filing of supporting information in accordance with Subsection (b) of this Section.

- b) The major cost components that constitute the aggregate rate shall be submitted to the Director in accordance with his directives. Each cost component shall be accompanied by a suitable description of the underlying assumption, procedures and identification of source documents followed by the HMO in determining the rate.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.70 Capitalization-Contingent-Reserves Subordinated Notes--and Dividend-Payments Indebtedness

- a) Subordinated Indebtedness

1) Subordinated indebtedness agreements shall be submitted for the approval of the Director as required by Section 2-9 of the Act. The agreement must state that the repayment of principal or the payment of interest may be made only after the HMO has obtained approval from the Director and only if, after such payment, net worth is equal to or greater than net worth immediately after issuance of the subordinated indebtedness agreement. The agreement shall bear interest either:

- A) at a fixed rate not exceeding the corporate base rate as reported by the largest bank (measured by assets) with its principal office located in Chicago, Illinois, in effect on the first business day of the month in which the subordinated indebtedness agreement is executed, plus 3% per annum, or

- B) at a variable rate equal to the corporate base rate determined on the first business day of each month during the term of the loan, plus 2% per annum.

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- 2) In no event shall the variable interest rate for any month exceed the initial rate for the loan or advance by more than 10% per annum. The HMO shall elect at the time of execution of the agreement whether the interest rate is to be fixed or floating for the term of the agreement. The following shall be submitted for the Director's approval prior to execution of the subordinated indebtedness agreement:

- A) Duplicate copies of the entire subordinated indebtedness agreement.

- B) A certified copy of the resolution of the board of directors or the appropriate authoritative body of the HMO. This resolution shall stipulate the maximum amount of subordinated indebtedness authorized.

- 3) The Director shall be notified immediately in writing upon the execution of any such subordinated indebtedness agreement as to the amount thereof and to whom payable.

- b) Accounting for the subordinated indebtedness on the HMO's financial statements shall be as follows:

- 1) All outstanding subordinated indebtedness and interest accrued thereon shall be reported separately in the Annual Statement on page 3 and in any other financial statements of the company as a special surplus account.

- 2) The issuance and repayment of the subordinated indebtedness, as well as the payment of the interest thereon, shall be reflected as direct debits or credits to the net worth of the HMO's financial statement.

- 3) The interest expense incurred on the subordinated indebtedness during the current period shall be reflected on the Statement of Revenue, Expenses and Net Worth of the HMO's financial statements.

- c) An HMO may only repay principal and make payment of interest on any subordinated indebtedness as provided under Section 2-9 of the Act. No payment shall be authorized by the Director unless:

- 1) The HMO's net worth is reasonable in relation to its outstanding liabilities and adequate for its financial needs, and

- 2) Such payment will not reduce the HMO's net worth to an amount less than that stipulated in subsection (a)(1) above, and

- 3) Such payment is consistent with the terms of the subordinated indebtedness agreement approved pursuant to subsection (a) above.

- a) In the event that any portion of required initial minimum capital is provided through a subordinated indebtedness agreement, the terms of such indebtedness must establish that the instrument shall constitute an enforceable liability only to the extent the HMO shall have surplus in excess of contingency reserves as reported in the most recent financial statement filed with the Department of Insurance and only after the HMO has obtained approval of the Director for any payments of interest or any repayments of principal.

- b) Initial minimum capital or any contributed surplus may be used to meet

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~~requirements--of--special-contingent-reserves-as-mandated-in-Section-6 of-the-Act--(Ill.-Rev-Stat.-1981, ch.-111-1/2, par.-1496). Dividends-to-shareholders-may-be-paid-only-to-the-extent-that-the--HMO shall-have-the-surplus-in-excess-of-statutory-minimums-as-reported-in the-most-recent-financial-statement--filed-with--the--Department--of insurance-and-may-be-paid-out-of-only-earned-surplus.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.80 Financial Reporting

Every entity possessing a Certificate of Authority to transact the business of an HMO a-Health-Maintenance-Organization shall report the financial condition and results of its HMO operations in a form, adopted for the reporting requirements of Section 2-7 of the Act [215 ILCS 125/2-7] ~~(Ill.-Rev-Stat-1981, ch.-111-1/2, par.-1497)~~, which shall conform substantially to the form of report adopted by the National Association of Insurance Commissioners, as revised, with such modifications and additions to such form as the Director may deem desirable and necessary to ascertain the condition, affairs, and performance of the HMO.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.100 Solicitation

- a) No HMO Health-Maintenance-Organization, or representative thereof, may cause or knowingly permit the use of advertising, solicitation, or any form of evidence of coverage which is untrue, misleading or deceptive.
 - 1) All information required to be disclosed pursuant to this Part by ~~these-rules~~ shall set out conspicuously and in close conjunction with the statements to which such information relates under appropriate captions of such prominence that it shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the context of the solicitation as to be confusing or misleading.
- 2) The format and context of a solicitation of any HMO's Health Maintenance--Organization's plan or program shall be sufficiently complete and clear to avoid deception or the capacity or tendency to mislead or deceive. Whether an advertisement has a capacity or tendency to mislead or deceive shall be determined by the Director from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.
- 3) Solicitations shall be truthful and not misleading in fact or implication. Words or phrases, the meaning of which is clear only

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by employment or by familiarity with insurance medical terminology or health care plans shall not be used unless such words or phrases are otherwise explained in such solicitation.

- 4) No solicitation shall omit information or use words, phrases, statements, references, or illustrations if an omission of such information or use of such words, phrases, statements, references or illustrations has the capacity, tendency or effect of misleading or deceiving prospective enrollees as to the nature or extent of any benefit payable, loss covered, premium payable or health care service provided.

- b) A detailed description of all training and educational programs provided to solicitors of the health care plan ~~Health-Care-Plan~~ or to any person providing Marketing activities shall be submitted to the Director upon application for a Certificate of Authority and any substantive change(s) changes, thereafter, in such programs shall be submitted to the Director 15 days prior to the intended effective date of such change.

- c) All brochures, media scripts, and any other marketing or advertising materials which an HMO applying for Certificate of Authority plans to use must be filed with the Department of Insurance. Such material must be filed before use and, in the event that such material can obviously not be filed, such as audiovisual presentations, a description of the solicitation activity must be filed.

- d) ~~A-list-of-producers-who-will-solicit-the-Health-Care-Plan--including the-names-and--addresses-of-such-producers-shall-be-submitted-to-the Director-with-the-Annual-Report-and-any-change--thereafter--in--such list-shall-be-submitted-to-the-Director-within-90-days-of-such-change.~~

- e) Any advertisement or solicitation shall not directly or indirectly make unfair or incomplete comparisons of policies, plans, or benefits or comparisons of non-comparable plans or policies of other HMO's or insurers, and shall not disparage competitors, their policies or plans, services or business methods and shall not disparage or unfairly minimize a competing method of marketing insurance or health care services.

- e)f) No advertisement or marketing material of an HMO shall imply that certification by the Department of Insurance is an endorsement of the HMO.

- f) An HMO shall provide its enrollees with a list of the names and locations of all of its providers no later than the time of enrollment, or the time the individual contract or evidence of coverage is issued, and also upon re-enrollment. Such list of providers shall contain a notice regarding the availability of the listed primary care physicians. The notice shall be prominently placed on the list of providers and shall contain the following, or similar language:

Enrolling in [name of HMO] does not guarantee services by a particular provider on this list. If you wish to receive care from specific providers listed, you should contact those

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providers to be sure that they are accepting patients for [name of HMO].

- g) Failure to comply with the requirements of this Section shall subject the HMO or its representative to corrective action the sanctions--that the Director may order pursuant to impose under authority of Section 4-7 of the Act.

h) The HMO shall include in its enrollee handbook or similar material--a description--of the HMO's grievance procedure--directions for filing a grievance--and--Notice of Availability of the Department--"

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.110 Requirements for Group Contracts, Evidences of Coverage and Individual Contracts

- a) Any group contract, evidence of coverage, individual contract, enrollee handbook, enrollment application, identification card or other form which affects the terms and conditions applicable to the subscriber or enrollee in the provision of health care services must be filed with and approved by the Director prior to use in accordance with the requirements of Section 6101.112 of this Part and Section 4-13 of the Act. The HMO shall issue to each subscriber or enrollee a group contract, evidence of coverage, or individual contract. Any conflicting information between the document issued to the subscriber or enrollee and the group contract shall be interpreted according to the document in hand of the subscriber or enrollee or whichever is most beneficial to the subscriber or enrollee. Any such group contract, evidence of coverage, or individual contract shall provide for the rendering of health care services as defined therein for either a specific period of not less than twelve months from the date of issuance or for such period as is otherwise mutually agreed to by the HMO and the group or individual contract holder; and shall provide for renewal on a basis mutually agreed to by both parties, unless the HMO has given thirty-one days written notice of nonrenewal prior to the renewal date of the contract.

- b) A detailed statement of any exceptions, exclusions or limitations shall be set forth in the group contract, evidence of coverage, and individual contract for any type of health care service to be excepted. Such exceptions, exclusions or limitations shall appear with the same prominence in the group contract, evidence of coverage and individual contract as any benefit.

- c) The group contract, evidence of coverage, and individual contract shall set forth a detailed statement of the terms and conditions of maternity benefits and any related exceptions, exclusions, limitations, co-payments and deductibles. Such However--such exceptions, exclusions, limitations, co-payments and deductibles applicable to prenatal and post-natal care shall be covered no

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differently different than any other covered health care services Health-Care-Services provided pursuant to the contract, with the exception of,--however--that a limitation for coverage of routine prenatal care or delivery when where the enrollee is outside the service area against medical advice, except when where the enrollee is outside of the service area due to circumstances beyond her control, may be included in the group contract and evidence of coverage.

- d) Entire Contract. The group contract, evidence of coverage and individual contract shall contain a statement that the group contract evidence of coverage and individual contract, all applications, and any amendments thereto shall constitute the entire agreement between the parties. No portion of the charter, by-laws or other document of the HMO shall be part of such a contract or evidence of coverage unless set forth in full in such document or attached thereto.

- e) Eligibility Requirements. The group contract, evidence of coverage and individual contract shall contain eligibility requirements indicating the conditions that must be met to enroll in a health care plan, the limiting age for enrollees and eligible dependents including the effects of Medicare eligibility, and a clear statement regarding coverage of newborn children as set forth in Section 4-8 and 4-9 of the Act.

- f) Benefits and Services Within the Service Area. The group contract, evidence of coverage and individual contract shall contain a specific description of benefits and services available within the HMO's designated service area.

- g) Emergency Care Services. The group contract, evidence of coverage shall contain a specific description of benefits and services available for emergencies 24-hours a day, 7 days a week, including disclosure of any restrictions on emergency care services. No group contract or evidence of coverage shall limit the coverage of emergency services within the service area to those providers having a contract with the HMO.

- h) Out of Area Benefits and Services. The group contract, evidence of coverage and individual contract shall contain a specific description of benefits and services available out of the HMO's designated service area.

- i) Deductibles and Copayments. An HMO may require copayments of enrollees as a condition for the receipt of specific health care services. Deductibles and copayments shall be the only allowable charge, other than premiums, assessed enrollees. Copayments shall be for a specific dollar amount. Deductibles shall be either for a specific dollar amount or for a specific percentage of the cost of the health care service. No single deductible or copayment for basic health care services may exceed 50% of the usual and customary fee of the service to the HMO and must be waived when in a calendar year, deductibles and copayments paid for the receipt of basic health care services exceed \$1500 per 150% of the premium--paid-by-or-on-behalf-of the enrollee, or \$3000 per family. Deductibles and copayments

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applicable to supplemental health care services or pre-existing conditions shall not be subject to this annual limitation.

- j) Pre-existing Conditions. An HMO may impose deductible and copayment pre-existing condition limitations as a condition to receiving health care services. A pre-existing condition shall not be defined more restrictively than a condition for which medical advice or treatment was recommended by a physician or received from a physician within a one year period preceding the effective date of coverage under the health care plan or the existence of symptoms which, in the opinion of a legally qualified physician, would have caused an ordinarily prudent person to seek diagnosis, care or treatment within a one year period preceding the effective date of coverage under the health care plan. Such condition may only be limited for a period not to exceed one year from the effective date of coverage.

- k) Cancellation. The group contract, evidence of coverage, and individual contract shall contain the conditions upon which cancellation may be effected by the HMO or the enrollee as set forth in Section 6101.111 of this Part.

- l) Reinstatement. The group contract, evidence of coverage, and individual contract shall contain the conditions of the enrollee's right to reinstatement.

- m) Grace Period. A group contract or individual contract shall provide for a grace period for the payment of any premium, except the first, during which coverage shall remain in effect if payment is made during the grace period. The grace period for a group contract shall not be less than ten (10) days. The grace period for an individual contract shall not be less than thirty-one (31) days. During the grace period, the HMO shall remain liable for providing the services and benefits contracted for; the subscriber shall remain liable for the payment of the premium for the time coverage was in effect during the grace period and the enrollee shall remain liable for the payment of any applicable share of the premium, for the time coverage was in effect, as well as for any copayments owed.

- n) No group contract, or evidence of coverage, or individual contract may be delivered in this state unless the subscriber and/or enrollee is provided written notice required by Section 143c of the Illinois Insurance Code [215 ILCS 5/143c] (1117-Rev.-Stat.-1989-CH-737-Par-755et).

- o) Right to Examine Contract. An individual contract, with the exception of an HMO Medicare contract entered into between the Health Care Financing Administration and the HMO under Title XVIII of the Social Security Act, as amended from time to time, shall contain a provision stating that an enrollee who has entered into an agreement with a HMO shall be permitted to return the individual contract within ten days of receiving it and to receive a refund of the premium paid if the enrollee is not satisfied with the contract for any reason. If the individual contract is returned to the HMO or to its representative through whom it was purchased, it is considered void from the

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beginning. However, if services are rendered or claims are paid for such enrollee or dependent by the HMO during the ten-day examination period, the enrollee shall not be permitted to return the contract and receive a refund of the premium paid.

- p) An HMO Medicare contract entered into between the Health Care Financing Administration and the HMO under Title XVIII of the Social Security Act, as amended from time to time, shall be delivered to the enrollee at least fifteen days prior to the effective date of the contract. The enrollee shall be permitted to return the HMO Medicare contract prior to the effective date and to receive a refund of the premium paid if the enrollee is not satisfied with the contract for any reason in compliance with Title XVIII of the Social Security Act, as amended from time to time.

- q) Every HMO will provide to every enrollee of the HMO an enrollee handbook which generally describes the philosophy, functions and organization of the HMO and related institutions, and specific information which describes the appropriate use of the HMO's services, including a general description of benefits and limitations. The HMO shall include in its enrollee handbook a description of the HMO's grievance procedure, directions for filing a grievance, and "Notice of Availability of the Department."

- r) Every HMO shall provide to every enrollee of the HMO an identification card which ~~identification-cards~~ must prominently display the following information:

- 1) the words "Health Maintenance Organization" or "HMO"; and
- 2) disclaimer language concerning an enrollee's unauthorized use of providers not selected by the HMO; and
- 3) a current telephone number for the enrollees to use when health care services are required outside of normal office hours.

- s) Enrollment Application. No individual contract shall be issued except upon the signed enrollment application of the enrollee for whom coverage is being sought. Any information or statement of the applicant shall appear on such application in the form of interrogatories by the HMO and answers by the applicant. The enrollee shall not be bound by any statement made within an application for health care coverage unless a copy of such application is attached to the individual contract. Group enrollment applications must be maintained on file by the HMO; otherwise, disputes arising from statements made within such applications will be resolved in the enrollee's favor. Except for those instances involving fraud or material misrepresentation, an HMO's failure to investigate incomplete or conflicting answers on an enrollment application, shall estop the HMO from subsequently denying coverage on the basis of such responses.

- t) Coordination of Benefits.

- 1) HMO's are permitted, but not required to adopt coordination of benefits provisions to avoid over insurance and to provided for the orderly payment of claims when a person is covered by two or more group health insurance or health care plans.

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- 2) If an HMO adopts coordination of benefits, the provision must be consistent with the coordination of benefits requirements set forth in 50 Ill. Adm. Code 2009.
- 3) To the extent necessary for an HMO to meet its obligations as a secondary carrier under 50 Ill. Adm. Code 2009, and where an enrollee has established a credit within the reserve bank, the HMO shall make payments for services that are:
- received from non-participating providers; or
 - provided outside their services areas; or
 - not covered under the terms of health care plan.
- w)† Dependents-termination of coverage-disability and dependency, proof-application. Every group contract, evidence of coverage, or individual contract which provides that coverage of a dependent person of an enrollee shall terminate upon attainment of the limiting age for dependent persons shall comply with the requirements of Section 4-9.1 of the Act.
- v)† Conversion of coverage.
- The group contract and evidence of coverage shall contain a conversion provision which provides that each enrollee has the right to convert coverage to an individual or group contract in the following circumstances:
 - upon cancellation of eligibility for coverage under a group contract, or
 - upon cancellation of the group contract, or
 - upon non-renewal of the group contract.
 - The conversion contract shall cover the enrollee and his/her eligible dependents who were covered by the group contract on the date of cancellation or non-renewal of coverage. To obtain the conversion contract, an enrollee shall submit a written application and the application premium payment within 31 days after the date the enrollee's coverage is cancelled.
 - The HMO may require copayments and deductibles under a conversion contract that differ from the group contract.
- 4)† A conversion contract shall not be required to be made available if:
- The cancellation of the enrollee's coverage occurred for any of the reasons listed in Section 6101.111(a) of this Part; or
 - The enrollee is covered by or is eligible for benefits under Title XVIII of the United States Social Security Act; or
 - The enrollee is covered by similar hospital, medical, or surgical benefits under state or federal law; or
 - The enrollee is covered by similar hospital, medical, or surgical benefits under any arrangement of coverage for individuals in a group whether on an insured or uninsured basis; or
 - The enrollee is covered for similar benefits through individual coverage; or

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- The enrollee has not been continuously covered during the three-month period immediately preceding cancellation of that person's coverage; or
 - The enrollee has moved outside of the service area of the health maintenance organization; or
 - The cancellation of the enrollee's coverage occurred in relation to the HMO being placed in rehabilitation or liquidation proceedings pursuant to Section 5-6 of the Act; or
 - The group contract has been discontinued in its entirety and there is a succeeding carrier providing coverage to the group in its entirety.
- 5)† Benefits or coverage shall be considered "similar" if coverage is provided for at least 12 months under comprehensive type medical coverage.
- 6)† Notwithstanding subsection (42)(C), (D), or (E), or (I) above, if the enrollee or any of his or her covered dependents has a pre-existing condition, and the enrollee is covered by similar hospital, medical or surgical benefits under any arrangement of coverage for individuals in a group, whether on an insured or uninsured basis, and such coverage does not cover pre-existing conditions, then such enrollee may continue conversion coverage for the individual with such pre-existing condition until the enrollee's or dependent's pre-existing condition is covered under the succeeding plan.
- 7)† The conversion contract shall provide as a minimum to its enrollees basic health care services.
- 8)† The conversion contract shall begin coverage of the enrollee and any dependents formerly covered under the group contract on the date of termination from the group or the former individual contract.
- 9)† Coverage shall be provided without requiring evidence of insurability and shall not impose any pre-existing condition limitations or exclusions other than those remaining unexpired under the contract from which conversion is exercised.
- 10)† Conversion charge shall be provided for a period of not less than 18 months.
- w)† Discrimination between individuals of the same class in the terms and conditions of such health care plan, or in the amount charged for coverage under a health care plan except where the rate differential is based on sound actuarial principles, or in any other manner whatsoever is prohibited.
- x) Grievance Procedure
- The group contract, evidence of coverage, and individual contract shall set forth a full description of the HMO grievance procedure required by Section 6101.40 of this Part.
- (Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 6101.130 Basic Health Care Services

The provision of Basic Health Care Services shall not discriminate against any class of physician. The following minimum standards shall meet the requirements for Basic Health Care Services, provided that such services are medically necessary as determined by the enrollee's primary care physician; and if required by the HMO, are authorized on a prospective and timely basis by the HMO's Medical Director:

- a) Physician services including primary care, consultation, referral, surgical, anesthesia or other as needed by the enrollee in any level of service delivery. Such services need not include organ transplants unless specifically authorized by a primary care physician and approved by the HMO's Medical Director;
- b) Outpatient diagnostic imaging, pathology services and radiation therapy;
- c) 120 days of non-mental health inpatient services per year including all professional services, medications, surgically implanted devices and supplies used by the enrollee while an inpatient;
- d) Emergency services for accidental injury or emergency illness 24 hours per day, and 7 days per week. Such emergency services are covered benefits inside and out of the plan's service area. Such emergency treatment shall include outpatient visits and referrals for emergency mental health problems;
- e) Maternity care including prenatal and post-natal care and care for complication of pregnancy of mother and care with respect to a newborn child from the moment of birth which shall include the care and treatment of illness, injury, congenital defects, birth abnormalities and premature birth;
- f) Blood transfusion services, processing and the administration of whole blood and blood components and derivatives;
- g) Preventative health services as appropriate for the patient population including a health evaluation program and immunizations to prevent or arrest the further manifestation of human illness or injury including but not limited to allergy injections and allergy serum. Such health evaluation program shall include at least periodic physical examinations and medical history, hearing and vision testing or screening, routine laboratory testing or screening, blood pressure testing, and uterine cervical cytological testing, and low dose mammography testing as required by Section 4-6.1 of the Act;
- h) Ten (10) days inpatient mental health care per year. Care in a day hospital, residential non-hospital or intensive outpatient mode may be substituted on a two-to-one basis for inpatient hospital services as deemed appropriate by the primary care physician. Twenty (20) individual outpatient mental health care visits per enrollee per year, as appropriate for evaluation, short-term treatment and crisis intervention services. Group outpatient mental health care visits may

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be substituted on a two-to-one basis for individual mental health care visits as deemed appropriate by the primary care physician;

- i) Alcoholism and Drug Abuse
 - 1) Diagnosis, detoxification and treatment of the medical complications of the abuse of or addiction to alcohol or drugs on either an inpatient or outpatient basis. Inpatient hospital services are subject to subsection (c).
 - 2) Rehabilitation services on an inpatient basis, for up to ten (10) days inpatient care per year. Care in a day hospital, residential non-hospital or intensive outpatient treatment mode may be substituted on a two-to-one basis for inpatient hospital services as deemed appropriate by the primary care physician. Twenty (20) individual outpatient care visits per enrollee per year as appropriate for evaluation, short-term treatment, and crisis intervention services. Group outpatient care visits may be substituted on a two-to-one basis for individual outpatient visits as deemed appropriate by the primary care physician. Prolonged rehabilitation services in a specialized inpatient or residential facility need not be a part of Basic Health Care Services;
 - j) Outpatient Rehabilitative therapy (including but not limited to: speech therapy, physical therapy, and occupational therapy directed at improving physical functioning of the member) up to sixty (60) treatments per year for conditions which are expected to result in significant improvement within two (2) months as determined by the primary care physician and if required by the HMO, are authorized on a prospective and timely basis by the HMO's Medical Director.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.140 General Provisions

a) Every HMO, having been declared to be an entity to be regulated for the Public Good, shall take care to conduct all of its affairs within the declared Public Policy on Fair Employment. The Congress of the United States and the General Assembly of Illinois have stated that discrimination in employment based upon race, color, religion, sex or national origin is illegal. Every HMO will handle all matters relating to employment in the manner required by Section 2-102 of the Illinois Human Rights Act [775 ILCS 5/2-102], the Fair Employment Practices Act (1917-Rev-Stat-1917-Ch-48-Par-851-et-seq)-as amended, and Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or any rule or regulation promulgated pursuant to either.

b) Every HMO will provide to every subscriber of the HMO information which generally describes the philosophy, functions, and organization of the HMO and related institutions, and specific information which

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~~describes the appropriate use of the HMO's services.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.141 Producer Licensing Requirements

a) HMO producer means an individual who solicits, negotiates, effects, procures, renews or continues enrollment in an HMO. The term HMO "producer" shall not include:

1) any regular salaried officer or employee of an HMO or of a licensed HMO producer, who devotes substantially all of his or her time to activities other than the solicitation of applications for HMO membership and receives no commission or other compensation directly dependent upon the business obtained and who does not solicit or accept from the public applications for membership;

2) employers or their officers or employees or the trustees of any employee benefit plan to the extent that such employers, officers, employees, or trustees are engaged in the administration or operation of any program of employee benefits involving the use of membership in an HMO; provided that such employers, officers, employees, or trustees are not in any manner compensated directly or indirectly by the HMO issuing such HMO membership;

3) banks or their officers and employees to the extent that such banks, officers, and employees collect and remit charges by charging same against accounts of depositors on the orders of such depositors.

b) No persons person may act as or hold themselves himself out to be an HMO producer ~~after the effective date of this amendment~~ unless duly licensed in accordance with the requirements of this Part. ~~An HMO producer doing business in this State on the effective date of this amendment shall apply for an HMO producer's license within 90 days thereafter.~~

c) An individual applying for an HMO producer's license shall make application on a form specified by the Department and declare under penalty of refusal, suspension or revocation of the license that the statements made in the application are true, correct and complete to the best of the individual's knowledge and belief. Before approving the application the Director shall find that the individual:

1) Is at least 18 years of age,
2) Has not committed any act which is grounds ~~a ground~~ for denial, suspension or revocation pursuant to Section 505.1 of the Illinois Insurance Code [215 ILCS 5/505.1], ~~and~~ ~~the~~ ~~1989, ch. 73, par. 1065.52-11~~

3) Has successfully passed the Class 1(b) examination as required by Section 494.1 of the Illinois Insurance Code [215 ILCS 5/494.1].

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~~(11-Rev-Stat-1989, ch. 73, par. 1065.41-11)~~
d) The provisions of Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXII] ~~(11-Rev-Stat-1989, ch. 73, par. 1065.37-1-11)~~ ~~and the rules promulgated thereunder (50 Ill. Adm. Code: Chapter I, Subchapter ii) shall be applicable to all HMO producers.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.142 Limited Insurance Representative Requirements - Public Aid and Medicare Enrollers

a) No person may enroll recipients of Public Aid or Medicare in an HMO, either personally or by mail, unless such person is duly licensed by the Director pursuant to this Part.

b) The provisions of Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXII] ~~(11-Rev-Stat-1989, ch. 73, par. 1065.37-1-11)~~ ~~and the regulations promulgated thereunder (50 Ill. Adm. Code: Chapter I, Subchapter ii) shall be applicable to all HMO limited insurance representatives and HMO producers.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6101.150 Severability

If any Section, term or provision of this Part ~~these Rates and Regulations~~ shall be adjudged invalid for any reason, such judgment shall not affect, impair or invalidate any other Section, term or provision of this Part ~~these Rules and Regulations~~ and the remaining Sections, terms and provisions shall be and remain in full force and effect.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Radiation Safety Requirements for Industrial Radiographic Operations

- 2) Code Citation: 32 Ill. Adm. Code 350

- 3) Section Numbers: Proposed Action:

350.30	Amendment
350.1000	Amendment
350.3045	Amendment
350.4010	Amendment
350.4020	Amendment

- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to amend this rule: (1) in Section 350.30 to update a cross-reference in the definition of "Storage container"; (2) in Section 350.1000(a)(1) to permit the use of an alternate value of torque for the performance testing criteria (this change will satisfy an NRC compatibility issue); (3) to clarify the language in Section 350.3045, by deleting subsection (d)(5) and inserting a new subsection (e) to clarify that an alarm rate meter shall be used by each worker at a location other than a permanent installation; (4) by requiring radiographers and radiographer trainees to carry their certification cards while performing radiography; (5) in Section 350.4010 to clarify the licensing and registration requirements for industrial radiographic operations; and (6) in Section 350.4020(b) by adding a new subsection (4) which will relieve registrants of the requirement that the Radiation Safety Officer shall also maintain a certification as an industrial radiographer.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? Yes, the amendment contains material incorporated by reference pursuant to Section 100/5-75(a) of the Administrative Procedure Act [5 ILCS 100/5-75(a)].

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Robert B. Holtsclaw
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect small businesses that provide industrial radiography services. The Department believes that these amendments will not have any direct impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, recordkeeping or other procedures are required for compliance with this amendment.

C) Types of professional skills necessary for compliance: In order to comply with the requirements of this Part, licensees and registrants will have to ensure that only individuals who have received training and demonstrated competence will perform industrial radiography procedures.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 350

RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

SUBPART A: GENERAL PROVISIONS

Section	Purpose
350.10	Scope
350.20	Definitions
350.25	Incorporations by Reference
350.30	Exemptions
350.40	Receipt, Transfer and Disposal of Sources of Radiation
350.50	

SUBPART B: EQUIPMENT CONTROL

Section	Requirements for Radiography Equipment Using Radiographic Exposure Devices
350.1000	Requirements for Radiography Equipment Using Radiation Machines
350.1005	Limits on Levels of Radiation for Radiographic Exposure Devices, Source Changers and Transport Containers
350.1010	Locking of Sources of Radiation
350.1020	Permanent Storage Precautions
350.1030	Radiation Survey Instruments
350.1040	Testing for Leakage or Contamination, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources
350.1050	Quarterly Inventory
350.1060	Utilization Logs
350.1070	Inspection and Maintenance
350.1080	Permanent Radiographic Installations
350.1090	

SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHER TRAINEES

Section	Training and Testing
350.2010	Operating and Emergency Procedures
350.2020	Personnel Monitoring Control
350.2030	Supervision of Radiographer Trainees
350.2040	

SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section	Access Control and Security
350.3010	

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350.3020	Posting
350.3030	Radiation Surveys and Survey Records
350.3040	Records Required at Temporary Job Sites
350.3045	Operating Requirements
350.3048	Notification of Incidents
350.3050	Special Requirements and Exemptions for Enclosed Radiography Systems
350.3060	Special Requirements and Exemptions for Enclosed Radiography Systems, other than those Described in Section 350.3050 that are Designed to Allow Admittance of Individuals (Repealed)
350.3070	Special Requirements and Exemptions for Certified and Non-Certified Cabinet X-Ray Systems Designed to Exclude Individuals (Repealed)
350.3080	Special Requirements for Mobile or Portable Radiation Machines (Repealed)
350.3090	Special Requirements for Underwater and Lay-Barge Radiography
350.4000	Prohibitions
350.4010	Licensing and Registration Requirements for Industrial Radiographic Operations
350.4020	Radiation Safety Officer
350.4030	Reciprocity

APPENDIX A Subjects to be Covered During the Instruction of Radiographers (Repealed)

APPENDIX B General Requirements for Inspection of Industrial Radiographic Equipment

APPENDIX C Retention Requirements for Records

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 14744; recodified at 10 Ill. Reg. 11265; amended at 10 Ill. Reg. 17287, effective September 25, 1986; amended at 13 Ill. Reg. 13592, effective August 11, 1989; amended at 18 Ill. Reg. 7263, effective May 2, 1994; expedited correction at 18 Ill. Reg. 10943, effective May 2, 1994; amended at 19 Ill. Reg. 8250, effective June 12, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 350.30 Definitions

As used in this Part, the following definitions apply:

"ALARA" means as low as is reasonably achievable as defined in 32 Ill. Adm. Code 310.20.

"Associated equipment" means equipment used in conjunction with a

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radiographic exposure device to make radiographic exposure where such equipment drives, guides, or comes into contact with the source (i.e., guide tube, control tube, crank, removable source stop, "J" tube).

"Cabinet radiography" means industrial radiography conducted in an enclosure or cabinet so shielded that doses to individual members of the public at every location on the exterior meet the limitations specified in 32 Ill. Adm. Code 340.310(a).

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure which, independent of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad and bus terminals and in similar facilities. An x-ray tube used within a shielded part of a building or x-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Collimator" means a radiation shield of lead or other heavy metal which is placed on the end of a guide tube or directly onto a radiographic exposure device to restrict the size and shape of the radiation beam when the sealed source is moved into position to make a radiographic exposure.

"Crank-out device" means the cable, protective sheath and handcrank used to move the sealed source from the shielded to the unshielded position to make an industrial radiographic exposure.

"Enclosed radiography" means industrial radiography conducted in an enclosed cabinet or room and includes cabinet radiography and shielded-room radiography.

"GED" means general equivalency diploma.

"Industrial radiography" means the process used to perform the examination of the macroscopic structure of materials by non-destructive methods using radioactive material or radiation machines.

"Lay-barge radiography" means industrial radiography performed on any water vessel used for laying pipe.

"Lixiscopes" means a portable light-intensified imaging device using a sealed source.

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"Lock-out survey" means a radiation survey performed to determine that a sealed source is in its shielded position. The lock-out survey is performed before moving the radiographic exposure device or source changer to a new location. The lock-out survey is also performed when securing the radiographic exposure device or source changer against unauthorized removal.

"Permanent radiographic installation" means an installation or structure designed or intended for radiography and in which radiography is regularly performed.

"Permanent use or storage location" means a location listed on a radioactive material license or a certificate of registration where sources of radiation are used or stored.

"Personal supervision" means the provision of guidance and instruction to a radiographer trainee by a radiographer who is:

physically present at the site;

in visual contact with the radiographer trainee while the trainee is using sources of radiation; and

in such proximity that immediate assistance can be given if required.

"Radiation safety officer" means an individual who is both designated as a radiation safety officer in accordance with Section 350.4020 and who meets the requirements of Section 350.4020 and 32 Ill. Adm. Code 310.20.

"Radiographer" means any individual who performs or personally supervises industrial radiographic operations. Radiographers shall meet the requirements of Section 350.2010(a) and shall comply with the requirements of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, all license conditions, if any, and orders of the Department.

"Radiographer trainee" means any individual who uses sources of radiation and related handling tool or radiation survey instruments under the personal supervision of a radiographer. Radiographer trainees shall meet the requirements of Section 350.2010(b) and shall comply with the requirements of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, all license conditions, if any, and orders of the Department.

"Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved or otherwise changed from a

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shielded to an unshielded position for purposes of making a radiographic exposure (i.e., camera).

"Sealed source" (i.e., pill) means any capsule or matrix as defined in 32 Ill. Adm. Code 310.20.

"Shielded position" means the location within the radiographic exposure device or storage container which, by manufacturer's design, is the proper location for storage of the sealed source.

"Shielded-room radiography" means industrial radiography conducted in a room so shielded that doses to individual members of the public at every location on the exterior meet the limitations as specified in 32 Ill. Adm. Code 340.310(a) (i.e., bay, bunker, cell).

"Source assembly" means a component to which the sealed source is affixed or in which the sealed source is contained. The source assembly includes the sealed source (i.e., pigtail).

"Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those source changers also used for transporting and storage of sealed sources.

"Storage container" means the structure in which sealed sources are secured and stored at a permanent storage location as described in Section 350.4010(C)(5) 350-4010f+t+t.

"Temporary job site" means any location that is not specifically listed on a radioactive material license or certificate of registration where industrial radiography is performed for 180 days or less during any consecutive 12 months.

"Transport container" means a package that is designed and constructed to provide radiation safety and security when sealed sources are transported and meets all applicable regulations of the U.S. Department of Transportation.

"Underwater radiography" means industrial radiography performed when the radiographic exposure device and related equipment are beneath the surface of water.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: EQUIPMENT CONTROL

Section 350.1000 Requirements for Radiography Equipment Using Radiographic

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Exposure Devices

a) Equipment used in industrial radiographic operations involving the use of radiographic exposure devices shall meet the following minimum criteria:

- 1) Each radiographic exposure device and all associated equipment shall meet the requirements specified in American National Standards Institute (ANSI) N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions. However, equipment used in industrial radiographic operations need not comply with section 8.9.2(c) of the Endurance Test in ANSI N432-1980, if the prototype equipment has been tested using a torque value representative of the torque that an individual using the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism.
- 2) Each radiographic exposure device shall have attached to it one or more durable, legible, clearly visible labels bearing the:
 - A) Chemical symbol and mass number of the radionuclide in the device;
 - B) Activity of the sealed source and the date on which this activity was last measured;
 - C) Model and serial number of the sealed source;
 - D) Manufacturer of the sealed source; and
 - E) Licensee's name, address and telephone number.

3) Each radiographic exposure device intended for use as a Type B transport container shall meet the applicable requirements of 32 Ill. Adm. Code 341.

4) Radiographic exposure devices and associated equipment that allow the source to be moved out of the device for routine operation shall meet the following additional requirements:

- A) The coupling between the source assembly and the control cable shall be designed in such a manner that the source assembly will not become disconnected if cranked outside the guide tube. The coupling shall be such that it cannot be unintentionally disconnected under normal conditions.
- B) The device shall automatically secure the source assembly when it is cranked back into the shielded position within the device. This securing system shall only be released by means of a deliberate operation of the exposure device.
- C) The outlet fittings, lock box and drive cable fittings on each radiographic exposure device shall be equipped with safety plugs or covers, which shall be installed during storage and transportation, to protect the source assembly from water, mud, sand or other foreign matter.
- D) Each sealed source or source assembly shall have attached to it, or engraved in it, a durable, legible, visible label

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with the words: "DANGER-RADIOACTIVE." The label shall not interfere with the safe operation of the exposure device or associated equipment.

- E) The guide tube shall have passed a kinking test that closely approximates the kinking forces likely to be encountered during use and the crushing tests for the control units specified in ANSI American National Standards Institute (ANSI) N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions.

- F) Use of a guide tube shall be necessary to move the source out of the device.

- G) An exposure head, endcap or similar device designed to prevent the source assembly from extending beyond the end of the guide tube shall be attached to the outermost end of the guide tube during radiographic operations.

- H) The guide tube exposure head connection shall be able to withstand the tensile test for control units specified in ANSI N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions.

- I) Source changers shall provide a system for assuring that the source will not be accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly.

- b) Modification of any radiographic exposure device and associated equipment is prohibited unless the Department, the U.S. Nuclear Regulatory Commission or an Agreement State has determined that the design of any replacement component, including source holder, source assembly, control or guide tube would not compromise the design safety features of the system.

- c) All radiographic exposure devices and associated equipment manufactured after July 1, 1994, and acquired by licensees shall comply with the requirements of this Section.

- d) All radiographic exposure devices and associated equipment in use after January 10, 1996, shall comply with the requirements of this Section.

- e) Each radiographic exposure device, source changer and storage container shall be provided with a lock or lockable outer container designed to prevent unauthorized or accidental removal or exposure of a serial source.

- f) Each radiographic exposure device and each transport container shall bear a permanent, durable, legible, clearly visible marking or label(s) which has, as a minimum, the standard radiation caution symbol, depicted in 32 Ill. Adm. Code 340. Illustration A, and the following wording:

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CAUTION (OR DANGER)
RADIOACTIVE MATERIAL--DO NOT HANDLE
NOTIFY CIVIL AUTHORITIES (OR NAME OF COMPANY)

In addition, transport containers shall meet the applicable requirements of 32 Ill. Adm. Code 341.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section 350.3045 Operating Requirements

- a) When radiography is performed at a location other than a permanent radiographic installation, a minimum of two radiographic personnel shall be present to operate the radiographic exposure device. At least one of the radiographic personnel shall be a radiographer. The other radiographic personnel may be either a radiographer or radiographer trainee.

- b) Collimators shall be used in industrial radiographic systems that use crank-out devices except when physically impossible.

- c) Other than a radiographer, or a radiographer trainee who is under the personal supervision of a radiographer, no person shall manipulate controls or operate equipment used in industrial radiographic operations.

- d) At each job site, the following shall be supplied by the licensee or registrant:

- 1) The appropriate barrier ropes and signs;
- 2) At least one operable, calibrated survey instrument;
- 3) A current whole body individual monitoring device (TLD or film badge) for each worker; and
- 4) An operable, calibrated pocket ionization chamber (i.e., pocket dosimeter) with a range of zero to 51.6 micro C/kg (200 mR) for each worker; and

- 5) An operable, calibrated, alarm-ratemeter--for--each--worker--who performs industrial radiography--with--a--sealed--source

- e) Each worker who performs industrial radiography with a sealed source at a location other than a permanent radiography installation shall have on his or her person an operable, calibrated alarm ratemeter.

- f) Each radiographer or radiographer trainee at a job site shall have on his or her person a valid industrial radiographer certification card issued by the Department pursuant to the provisions of 32 Ill. Adm. Code 405.

g) Industrial radiographic operations shall not be performed if any of the items in subsections (d), (e) and (f) subsection-fd) above are unavailable not-available at the job site or are inoperable.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 350.4010 Licensing and Registration Requirements for Industrial Radiographic Operations

- a) Radioactive material used in industrial radiographic operations shall be licensed in accordance with 32 Ill. Adm. Code 330.
 - b) Radiation machines used in industrial radiographic operations shall be registered in accordance with 32 Ill. Adm. Code 320.
- AGENCY NOTE: If a licensee does not use radiation machines and uses only radioactive materials, then the licensed activities do not need to be registered in accordance with the requirements of 32 Ill. Adm. Code 320.

- c) In addition to the licensing requirements in 32 Ill. Adm. Code 330 and the registration requirements in 32 Ill. Adm. Code 320, an application for a license or certificate of registration shall include the following information:

- 1) A schedule or description of the program for training radiographic personnel that specifies:
 - A) Initial training;
 - B) Periodic training;
 - C) On-the-job training; and
 - D) Methods to be used by the licensee or registrant to determine the knowledge, understanding and ability of radiographic personnel to comply with Department rules, licensing or registration requirements, and the operating and emergency procedures of the applicant;
- 2) Written operating and emergency procedures, including all items listed in Section 350.2020;
- 3) A description of the internal inspection system or other management control to ensure that radiographic personnel comply with license conditions, regulations and orders of the Department and the applicant's operating and emergency procedures; and
- 4) A description of the organization of the industrial radiographic program, including delegation of authority and responsibility for operation of the radiation safety program;

- d) ~~An application for a radioactive material license shall include:~~

- 5) A list of proposed permanent radiographic installations and descriptions of proposed permanent storage and use locations. Radioactive material shall not be stored at a permanent storage location or used at a permanent use location unless such storage or use location is specifically authorized by the license. A storage or use location is permanent if radioactive material is stored or used at the location for more than 180 days during any consecutive 12 months;

- 6) A description of the program for inspection and maintenance of

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radiographic exposure devices, transport containers and storage containers (including applicable items in Sections 350.1080 and 350.Appendix B);

- 7) For applicants seeking ~~if a license application seeks~~ authorization to perform underwater radiography, a description of:

- A) Radiation safety procedures and radiographer responsibilities unique to the performance of underwater radiography;
- B) Radiographic equipment and radiation safety equipment unique to underwater radiography; and
- C) Methods for watertight encapsulation of equipment; and

- 8) For applicants seeking ~~if a license application seeks~~ authorization to perform lay-barge radiography, a description of:

- A) Transport procedures for radioactive material to be used in industrial radiographic operations;
- B) Storage facilities for radioactive material; and
- C) Methods for restricting access to radiation areas.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 350.4020 Radiation Safety Officer

- a) Each licensee or registrant performing industrial radiography shall designate a Radiation Safety Officer (RSO).

AGENCY NOTE: The Department will list the name of the RSO on each radioactive material license.

- b) The RSO's qualifications shall include, but not be limited to:
 - 1) Possession of a high school diploma or a certificate of high school equivalency based on the GED test;
 - 2) Completion of the training and testing requirements of Section 350.2010(a)(2), (3) and (4); and
 - 3) 2 years of documented experience related to radiation protection, including knowledge of industrial radiographic operations; and
- 4) For licensees only, the RSO shall also maintain certification as an industrial radiographer as specified in Section 350.2010(a)(1).

- c) The specific duties of the RSO shall include, but need not be limited to, the following:

- 1) Establish and oversee operating, emergency and ALARA procedures, and review them at least annually to ensure that the procedures are current and conform with 32 Ill. Adm. Code: Chapter II, Subchapters b and d;
- 2) Oversee the radiation protection training program for radiographic personnel;
- 3) Ensure that required radiation surveys and leak tests are performed and documented in accordance with 32 Ill Adm. Code:

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- Chapter II, Subchapter b and d;
- 4) Ensure that corrective measures are taken when levels of radiation exceed established limits;
 - 5) Ensure that individual monitoring devices are calibrated and used properly by industrial radiographic personnel, that records are kept of the monitoring results and that timely notifications are made as required by this Part and 32 Ill. Adm. Code 400;
 - 6) Ensure that requirement interlock switches and warning signals are functioning and that radiation signs, ropes and barriers are properly posted and positioned;
 - 7) Investigate and report to the Department each known or suspected case of excessive radiation exposure to an individual or radiation level detected in excess of limits established by 32 Ill. Adm. Code: Chapter II, Subchapters b and d and each theft or loss of source(s) of radiation, determine the cause and take steps to prevent recurrence;
 - 8) Assume control and have the authority to institute corrective actions in emergency situations or unsafe conditions;
 - 9) Maintain records as required by 32 Ill. Adm. Code: Chapter II, Subchapters b and d (see Section 350. Appendix C);
 - 10) Ensure proper storage, labeling, transport and use of exposure devices and sources of radiation;
 - 11) Ensure that quarterly inventory and inspection and maintenance programs are performed in accordance with Section 350.1060 and 350.1080; and
 - 12) Ensure that personnel comply with 32 Ill. Adm. Code: Chapter II, Subchapter b and d, the conditions of the license and the operating and emergency procedures of the licensee or registrant.
- d) The licensee or registrant shall ensure that the duties in subsection (c) above are executed.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Residential Mortgage License Act
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Section Numbers: Proposed Action:
1050.1335 Amendment
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635]
- 5) A Complete Description of the Subjects and Issues Involved: Section 1050.1335 proposes amendments to the requirements and authority of the licensee to receive monies from borrowers prior to loan closing and authority to retain monies if the loan does not close.

The Agency has been consulting and negotiating with industry representatives for over one year and finally reached agreed upon language. It has recently come to the Agency's attention that several criminal complaints are currently pending against mortgage brokers based upon the old (current) language. This Section needs to be clarified immediately in order to clear up and dispose of these criminal complaints.
- 6) Will these proposed amendments replace any emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rule will not affect local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Mr. Jay R. Stevenson, Chief Deputy Commissioner
Office of the Commissioner of Savings and
Residential Finance
500 East Monroe, Suite 800
Springfield, IL 62701-1509
(217) 782-6169

The Agency will consider all written comments it receives in writing within 45 days of the date of publication of the *Illinois Register*.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 13, 1995.

B) Types of small businesses, small municipalities and not for profit corporations affected: Mortgage Brokers and Mortgage Bankers.

C) Reporting, bookkeeping or other procedures required for compliance:
None.

D) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: January 1995 and July 1995.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

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DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3)

<u>Section Numbers</u>	<u>Adopted Action</u>
240.10	Amended
240.180	Amended
240.240	Amended
240.245	New
240.250	Amended
240.300	Amended
240.310	Amended
240.400	New
240.410	Amended
240.430	Amended
240.450	Amended
240.455	New
240.460	Amended
240.465	New
240.470	Amended
240.500	Amended
240.520	Amended
240.525	New
240.530	Amended
240.540	Amended
240.630	Amended
240.700	Amended
240.750	Amended
240.760	Amended
240.795	New
240.820	Amended
240.830	Amended
240.850	Amended
240.860	Amended
240.890	Amended
240.891	New
240.895	Amended
240.930	Amended
240.940	Amended
240.950	Repealed
240.1000	New
240.1005	Repealed, New
240.1010	Repealed, New
240.1020	Repealed, New
240.1030	Repealed, New
240.1040	New
240.1050	New

DEPARTMENT OF MINES AND MINERALS

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240.1060	New
240.1110	Amended
240.1130	Amended
240.1140	Amended
240.1150	Amended
240.1400	Amended
240.1410	Amended
240.1430	Amended
240.1440	Amended
240.1460	Amended
240.1480	Amended
240.1490	New
240.1500	Amended
240.1520	Amended
240.1530	Amended
240.1640	Amended
240.1700	Amended
240.1710	Amended
240.1740	Amended
240.1820	Amended

- 4) Statutory Authority: Implementing and authorized by Section 8 of the Illinois Oil and Gas Act. [225 ILCS 725/8].
- 5) Effective Date of Amendments: July 14, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: July 14, 1995
- 9) Notice of Proposed Amendments Published in Illinois Register: 19 Ill. Reg. 2215 (February 24, 1995)
- 10) Has JC&AR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
 - a) In Section 240.250(a)(2), "Suite 300" has been stricken;
 - b) In Section 240.500, "or workover" has been added in the definition of "Completion Fluid Waste"
 - c) In Section 240.520(b), "Other pits, such as a reserve pit used for storage of drilling fluid waste, may be constructed as needed by the permittee." has been added at the end of the sentence; Section 240.520(c)(1), "or drilling fluid wastes (reserve pits)" has been

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- d) added after "(circulation pits)"; in Section 240.520 (c)(2), "and reserve pits" has been added after "circulation pits".
- d) In Section 240.525(a), "initiating" has been added before "drilling" and "operations using" after "drilling"; Section 240.525(b), "or reserve pits (drilling fluid waste storage)" has been added after "(circulation pits)"; and "If drilling operations begin with fresh water based mud and a mud cake is established in the drilling and circulation pits prior to the use of saltwater or oil based mud, liners are not required unless those pits will be used for drilling fluid waste disposal. Reserve pits into which saltwater or oil based drilling fluid wastes are deposited or disposed shall be lined. "Pits shall be" has been added after "thickness liner"; Section 240.525(c), "and reserve pits" has been added after "circulation pits" and "and disposal" has been added after "for the storage".
- e) In Section 240.530(c)(1) "or workover" has been added between "completion" and "activities"; "Discharge of drilling" has been changed to "Discharge of completion"; and "and completion fluid wastes" has been added after "completion fluids"; in Section 240.530(3) and (4), "or workover" has been added after "Completion".
- f) In Section 240.540(a), has been amended to read "Sediment, drilling fluid circulation and reserve pits, except sediment pits used as completion pits, shall be filled and leveled within six (6) months after drilling ceases. Drilling fluid wastes may be disposed of by on-site burial or surface application. Saltwater or Oil Drilling Fluid wastes shall be removed from the site and disposed in an Illinois Environmental Protection Agency permitted special waste landfill, injected in a Class II well, disposed in a well during the plugging process or buried in one of the lined pits and the liner folded over and an additional liner added to completely cover the drilling waste and buried at least three (3) feet below the ground surface."; Section 240.540(c), "or workover" has been added after the words "completion" and "Any remaining residue not removed can be disposed of through on-site burial. Only residue from that particular well on which completion or workover activities were performed can be disposed of by on-site burial." has been added at the end of the sentence.; and Section 240.540(d) added a comma after "drilling"; delete "and" and add "and workover" before "pits".
- g) In Section 240.760(c), "surface" has been changed to "production".
- h) In Section 240.795(f), "by the permittee" has been added after "analyzed" and a period is added after the word "quality", and "prior to injection." has been deleted.
- i) In Section 240.830(a), "The permittee, however, may install power

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lines to a greater height than eighteen (18) feet above the ground surface" has been added at the end of the sentence.

j) In Section 240.1130(c)(4), "a sustained" has been added before "gas" and "pressure" has been added after the word "gas".

k) In Section 240.1430, the stricken language has been restored.

l) In Section 240.1440, a new subsection (e) has been added.

m) All clerical errors have been corrected as suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect?
No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rule(s):

The proposed amendments are submitted by the Illinois Department of Mines and Minerals in order to more effectively implement the requirements of the Illinois Oil and Gas Act. The proposed amendments affect Subparts A-K and N-R currently codified within 62 Ill. Adm. Code Part 240.

Subpart A is being amended to achieve three objectives. First, five newly defined terms have been added to Section 240.10 in order to facilitate understanding of the rules. Second, the street address and post office box number of the Springfield office of the Illinois Department of Mines and Minerals, Oil and Gas Division, is deleted to accommodate the possibility of a future change of address and post office box number. Third, the status of the Department's hearing officer is clarified.

Subpart B is being amended to accomplish three objectives. First, requirements for vertical drilling deviation are clarified. Second, a new section has been added that specifies additional requirements for horizontal drilling. Third, permit revocation criteria is amended to include a permittee's failure to meet permit conditions as an element of mandatory revocation.

Subpart C is being amended to achieve two objectives. First, it is specified that the provisions of this Subpart apply to injection, disposal and commercial Class II UIC wells. Second, identification of the type of well for which a Class II permit is being sought is required at the time

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of permit application.

Subpart D is being amended to achieve ten objectives. First, a new definitional section has been added that contains two defined terms previously found elsewhere in the Subsection. Second, oil and gas well spacing requirements for drilling units have been clarified. Third, a provision has been added which exempts any well drilled into a mine void or a pillar within the mined out area from the Subpart's spacing requirements. Next, the section on directional drilling has been changed to clearly describe a directional drilled well, specifies that the locational reference of such a well for permit and drilling unit establishment purposes is at the completion point, and subjects all portions of the reservoir exposed in the well bore to the well location and spacing requirements set forth for modified units, and clearly articulates the numbering procedure for directionally drilled wells. Fifth, Section 240.455, Horizontal Drilling, is newly added to clarify drilling, permitting and spacing rules for horizontal drilling of oil or gas production wells. Sixth, the Modified Drilling Unit section has been amended to precisely indicate that a hearing held pursuant to this section would be for the consideration of a drilling units' location and well density. Seventh, several changes are made to enhance the grammatical consistency of Section 240.460, and the section is amended to clarify where a petition to modify a drilling unit or to establish a special drilling unit is to be filed. Eighth, current address and post office box number of the Springfield office of the Illinois Department of Mines and Minerals, Oil and Gas Division, is deleted to accommodate the possibility of a future change of address and post office box number. Next, Section 240.465, Special Drilling Unit, has been newly added to clearly articulate that any person having an interest in oil or gas in a lease or drilling unit may apply to the Department for a hearing to consider the establishment of a special drilling unit for certain spacing or horizontal drilling purposes, and makes the processing of applications to establish a special drilling unit based on directional drilling subject to the spacing provisions contained in Section 240.455, Horizontal Drilling. Finally, certain clerical errors in geographical designations are corrected.

Subpart E is being amended to accomplish six objectives. First, Section 240.500, Definitions, is amended to more clearly define "drilling fluid", and definitions for "oil drilling fluid" and "saltwater drilling fluid" have been added. Second, it is clarified that sediment pits are used for drill cuttings and circulation pits are used for drilling fluids, and that the discharge of drilling fluids from the pits into any surface water or water drainage way is prohibited. Third, Section 240.525, Saltwater or Oil Based Drilling Fluid Handling and Storage, has been newly added to require permittees drilling with saltwater or oil drilling fluids to provide at least one lined sediment pit or above ground, portable container for depositing drill cuttings and one lined drilling fluid circulation pit or leak free, above ground container, clearly establish

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that sediment pits and circulation pits are to be lined with a liner of at least 20 mil thickness with specified performance and maintenance requirements sufficient to reasonably prevent overflow during completion activities and prior to beginning pit restoration activities, and restricts the use of such pits to the temporary storage of drill cuttings and drilling fluids, with an express prohibition against their use for the disposal of general oilfield wastes. Fourth, workover pits are expressly made subject to the same requirements established for completion pits. Next, this Subpart is amended to clearly articulate acceptable methods of disposing of saltwater or oil drilling fluid wastes and pit liners. Lastly, it is clarified that the time period for filling and leveling drilling pits used as completion pits is six months after the cessation of completion activities, and the period for filling newly constructed completion pits is specified to be ninety days after completion activities cease.

Subpart F is being amended to specify that the well itself, as well as the wellhead is required to be maintained in a leak-free condition.

Subpart G is being amended to accomplish five objectives. First, this Subpart is amended to clearly state that the provisions hereunder apply to all Class II UIC wells, including commercial saltwater disposal wells. Second, a definition of "commercial saltwater disposal well facility" has been added. Third, the definition of "Class II fluids" has been removed from this Subpart and placed in Section 240.10 to facilitate Section-wide applicability of this term. Fourth, the procedure for establishing internal mechanical integrity has been modified to permit the specification of an alternate packer setting depth if the packer cannot be set at the standardized depths due to existing well construction or an obstruction in the well, and clearly directs the Department to consider obstruction when determining an alternate packer depth. Next, the Subpart is amended to clarify that an approved temporary abandonment serves to suspend the five year internal mechanical integrity testing requirement. Sixth, Section 240.795, Commercial Saltwater Disposal Well, has been newly added to establish a clear guideline for the operational aspects of commercial saltwater disposal wells and facilities to restrict the utilization of commercial saltwater disposal wells or storage at Commercial Saltwater Disposal facilities to Class II fluids, clearly establish that all Class II fluids stored at a commercial Saltwater Disposal Well facility be stored in either leak free steel or fiberglass tanks or concrete storage structures which meet specified construction standards, require the permittee of the Commercial Saltwater Disposal Well or a permitted liquid oilfield waste transporter to be present when Class II fluids are delivered to the facility, require restricted access and perimeter fencing of at least four feet in height to surround all Commercial Saltwater Disposal Well facilities, require such facilities to be locked from 11:00 p.m. to 5:00 a.m., implements a permittee record

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keeping system whereby the permittee is required to maintain for three years and make available upon request a record of persons from whom Class II fluids are delivered, the date and number of barrels delivered, the name and location of the lease from which the fluids were produced, and information on the Liquid Oilfield Waste Hauler making the delivery, and authorizes the Department to sample and analyze the Class II fluids from the facility for certain clearly defined parameters.

Subpart H is being amended to accomplish fourteen objectives. First, it is clarified that all oil and/or natural gas production flowlines constructed after November 8, 1993 must be buried at least thirty-six inches underground. Second the Subpart is amended to clearly state that all power lines installed after November 8, 1993 are required to be elevated a maximum of eighteen feet above ground surface and expands the authority of the Department to enforce the requirement that power lines be elevated a minimum of fourteen feet above ground surface if such powerlines constitute a hazard to public safety. Third, the amended rules clearly state their applicability to all concrete storage structures existing on July 1, 1995 which will continue to be used and to all new concrete storage structures constructed after May 13, 1994. Next, two new definitions are added to clearly define "new concrete storage structure" and existing concrete storage structure". Fifth, permitting requirements for new and existing concrete storage structures are clearly articulated. Sixth, location and construction requirements for new and existing concrete storage structures have been modified to implement location restrictions for new concrete storage structures, require existing concrete storage to be completely fenced if located within 200 feet of an existing inhabited structure when permitted, establish construction standards for new concrete storage structures and subject the structures to inspection and corrective measures prior to use, clearly state that existing concrete storage structures shall have been constructed in accordance with standard engineering practices using formed concrete bottoms and sides, exempts existing concrete structures from under structure drainage provisions pertaining to new structures while subjecting them to the same inspection and repair rules, and prohibits installation of any type of drainage system which penetrates the sides or bottom of any structure. Seventh, clarifies that before removal and or burial of the concrete storage structure all, rather than only the free liquid fraction, of the free liquid oilfield waste is to be removed and disposed of. Eighth, it is clearly stated that for new and existing concrete storage structures permitted in accordance with this Subpart and restored after July 1, 1995 the pit residue can be disposed of at an IEPA permitted non-hazardous special waste landfill except that such structures with residue containing NORM may be required to be disposed of at a DNS permitted waste facility. Ninth, this Subpart is amended to permit pit residue from existing concrete storage structures not permitted for continued use by July 1, 1995 and required to be restored, or from permitted existing pits restored by such date to be buried on site within

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the concrete structure. Next, Department inspection authority is extended to include existing concrete storage structures. Eleventh, Section 240.890, Crude Oil Spill Clean-Up Requirements is amended to clarify that the effective date of the rule is November 8, 1993. Twelfth, a clerical correction is made to insert a correct Section reference. Next, acceptable types of remedial cleanup measures are specified, and it is clearly indicated how the Department will determine whether additional remedial cleanup action will be ordered. Thirteenth, Section 240.891, Crude Oil Spill Waste Disposal, is newly added. This Section contains virtually all of Section 240.950, which has been repealed, but has been renamed and has rearranged certain subsections to facilitate clarity and understanding. Lastly, the Subpart has been amended to clearly indicate that the effective date of Section 240.895, Produced Water Spill Clean-up requirements is November 8, 1993, and that remedial cleanup action may include the addition of organic matter, with chloride content of the spill material deleted as a consideration factor by the Department in determining whether additional remedial cleanup action will be ordered, replaced by public safety considerations.

Subpart I is being amended to accomplish three objectives. First the title is amended to delete reference to "Waste and Spill Related", as these activities are addressed elsewhere in the rules. Next, it is clarified that crude oil bottom sediments can be transported to and IEPA licensed special waste landfill or to an IEPA licensed land off-site treatment facility, or bioremediated on-site through land spreading and chemical treatment under an IEPA waste disposal permit. Third, Section 240.950, Crude Oil Spill Waste Disposal, is repealed in its entirety and recodified at Section 240.891.

Subpart J is being amended to accomplish eight objectives. First, Section 240.1000, Definitions, has been newly added to provide a clear definition of "vacuum". Second, the current title and provisions of Section 240.1005, Requirements for Use of Vacuum Pumps, are repealed and replaced under the title "Applicability", in the same section with new rules which clearly state that these provisions apply to vacuum pumps or other devices used on oil and gas production wells for creating a vacuum in any oil or gas well, and establishes a six month permitting requirement for wells with vacuum pumps existing when these rules are adopted. Third, the title and current provisions of Section 240.1010, Application for Use of Vacuum, are repealed and replaced under the title "Application for Vacuum Permit", in the same section with new rules which expressly prohibit the use of a vacuum device on any oil and or gas production well without a permit, provide that a permit application is to be made on prescribed forms and executed under penalties of perjury, require the Department to provide written notification to the applicant of any application deficiencies and establish a sixty day period following the date of notification for any stated deficiencies to be corrected or the application will be deemed denied. Fourth, the current title and provisions of Section 240.1020,

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Notice and Hearing on Application, are repealed and replaced under the title "Contents for Application", in the same section with new rules that clearly articulate the required information which the application for a permit to use a vacuum device on a production well must include. Next this Subpart is amended by the repeal of the current title and provisions of Section 240.1030, Mining Board Authority, and the replacement of same by new rules under the title "Authority of Person Signing Application", that require an applicant to declare on the application their legal status as an individual, partnership, corporation or other entity, and provide the address and signature of the owner or person authorized to sign the application, establishes clear rules concerning authorized signatures, confers the designation of "permittee" and assigns the responsibilities of compliance with all regulatory requirements on the person or entity to whom a permit is issued and clearly states that corporate applicants must have a charter that authorizes the corporation to engage in the permitted activity, and that such applicants must either be incorporated or authorized to do business in the State of Illinois. Sixth, Section 240.1040, Notice and Hearing, is newly added to provide a comprehensive elaboration of the notice requirements, establish a fifteen day objection period, and offers a clear statement of public hearing procedures with respect to vacuum permit applications. Seventh, this Subpart is amended to add new rules, Section 240.1050, Issuance of Permit that require the Department to issue a permit fifteen days after the postmark date of the Notice sent to adjacent permittees if the applicant otherwise satisfies the requirements of the Act and Rules, prohibits issuance of a permit where a final administrative order of the Department is outstanding against the applicant or against any person or permittee who is an officer, director, partner or owner of more than a 5% interest of the applicant, provides that permits are valid for the life of the well and automatically transfer when a well is transferred, prohibits issuance of a vacuum permit if the correlative rights of adjacent permittees are not protected, and provides for permit revocation after hearing and notice if a field investigation or written request by a permittee within 1/4 mile of an existing well with a vacuum permit reveals that correlative rights of adjacent permittees are not protected. Finally, Section 240.1060, Permit Amendments, is newly added to clarify that exposure of an unpermitted reservoir to vacuum by a permittee without obtaining a permit amendment is prohibited, require the permittee to apply for an amendment on a prescribed form and to be in compliance with Section 240.1040 before Permit Amendments are issued.

Subpart K is being amended to accomplish five objectives. First, the obsolete term "mechanical plug" is deleted from the definitions section. Second, administrative procedures related to temporary abandonment status are clarified by deleting condition that any final administrative decision relating to the well be abated before temporary abandonment status is granted, exempting permitted gas wells with gas at the surface from fluid level requirements. Next, the obsolete term "mechanical plug" is deleted

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and replaced with the term "cast iron" as appropriate throughout this Subpart. Fourth, it is clarified that the placement of any material or substance in an unplugged well to either fill or bridge the hole for the purpose of avoiding proper plugging procedures is prohibited. Lastly, this Subpart is amended to permit the setting of a cement pump down plug as an alternate plugging method to setting a cast iron plug except if the well is flowing fluid to the surface.

Subpart N is being amended to accomplish nine objectives. First, two current definitions have been expanded and two new definitions have been added to enhance understanding of this Subpart. Second, this Subpart is being amended to clarify its applicability. Next, the amended rules delete the requirement that a current permittee provide a copy of the document which evidences conveyance to a new permittee of the right to drill or operate a well. Fourth, the new permittee is required to provide documentation supporting their right to drill and produce a well. Fifth, provisions related to permit transfer hearings and duplicious of Section 240.1490, including the conflicting time period for submitting a hearing request, are deleted. Sixth, a bonding requirement is established for new permittees who achieve such status pursuant to an Administrative Record Correction Transfer. Next, Section 240.1490 is created from the entirety of former Section 240.1480 (d). Eighth, it is clearly articulated that the hearing officer for all hearings under this Subpart is to be impartial and not employed by the Department. Lastly, the address of the Department is deleted.

Subpart O is being amended to accomplish six objectives. First, two clerical errors are corrected. Next, bonding requirements are modified to exclude applicants against whom a final administrative decision for the failure to pay permit fees has been issued, and to include applicants who have had wells plugged with funds from the Plugging and Restoration Fund. Third, the street address and post office box number of the Springfield office of the Illinois Department of Mines and Minerals, Oil and Gas Division, is deleted to accommodate the possibility of a future change of address and post office box number. Fourth, requirements pertaining to certificates of deposit have been clarified. Fifth, the provision that required a bond forfeiture hearing to be held within 15 days of request has been changed to require such hearing to be scheduled within this time period. Finally, this Subpart is being amended to grant the Director review authority and dispositional responsibilities with respect to contested bond forfeiture procedures.

Subpart P is being amended to accomplish two objectives. First, prohibits a permittee who fails to reimburse any funds expended from the plugging and Restoration Fund on their behalf from operating any other wells in the permittee's name. Secondly, after repayment of all funds paid from the Plugging and Restoration Fund, imposes a bonding requirement on such permittee.

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Subpart Q is being amended to accomplish three objectives. First, annual fees for wells reported to be transferred but not yet approved for such status on July 1, are to be assessed to and payable by the current permittee. Second, permittees who fail to submit an annual reporting form are required to submit such information concurrently with all well permit and transfer requests. Lastly, November 1 of each year is deemed to be the delinquency date for unpaid annual well fees, and decrees the wells covered by such unpaid fees to be abandoned.

Subpart R is being amended to make proposed permit amendments subject to the same permitting procedure established for drilling, deepening or converting an oil or gas production well, a test hole or Class II well.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Alfred Clayborne
Legal Counsel
Address: Illinois Department of Natural Resources
Office of Mines and Minerals
524 South Second Street
Springfield, IL 62701-1787
Telephone: (217) 782-6791

The full text of the Adopted Amendments begin on the next page:

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 240

THE ILLINOIS OIL AND GAS
ACT

SUBPART A: GENERAL PROVISIONS

Section

240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notices (Repealed)
240.131	Unitization Hearings
240.132	Integration Hearings
240.133	Hearings to Establish Pool-Wide Drilling Units
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.160	Director's Decision
240.170	Cessation Order
240.180	Enforcement Hearings
240.190	Temporary Relief
240.195	Subpoenas

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section

240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.245	Additional Requirements for Horizontal Drilling
240.250	Issuance of Permit to Drill
240.255	Underground Injection and Disposal Projects (Recodified)
240.260	Change of Well Location
240.270	Application for Approval of Enhanced Recovery Injection and Disposal

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Operations (Repealed)

240.280 Duration of Underground Injection Well Orders (Repealed)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section

240.300	Applicability
240.305	Transfer of Management (Recodified)
240.310	Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well
240.320	Contents of Application
240.330	Authority of Person Signing Application
240.340	Proposed Well Construction and Operating Parameters
240.350	Groundwater and Potable Water Supply Information
240.360	Area of Review
240.370	Public Notice
240.380	Issuance of Permit
240.390	Permit Amendments
240.395	Update of Class II UIC Well Permits Issued Prior to July 1, 1987

SUBPART D: SPACING OF WELLS

Section

240.400	Definitions
240.410	Drilling Units
240.420	Well Location Exceptions within Drilling Unit
240.430	Drilling Unit Exceptions
240.440	More Than One Well on a Drilling Unit
240.450	Directional Drilling
240.455	Horizontal Drilling
240.460	Modified Drilling Unit
240.465	Special Drilling Unit
240.470	Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

SUBPART E: WELL DRILLING,
COMPLETION AND WORKOVER REQUIREMENTS

Section

240.500	Definitions
240.510	Department Permit Posted
240.520	Drilling Fluid Handling and Storage
240.525	Saltwater or Oil Based Drilling Fluid Handling and Storage
240.530	Completion Fluid and Completion Fluid Waste Handling and Storage
240.540	Drilling and Completion Pit Restoration
240.550	Disposal of General Oilfield Wastes

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING

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REQUIREMENTS FOR PRODUCTION WELLS
OPERATING REQUIREMENTS

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240.600	Applicability
240.610	Construction Requirements for Production Wells
240.620	Remedial Cementing of Leaking Wells
240.630	Operating Requirements
240.640	Reporting Requirements
240.650	Confidentiality of Well Data
240.655	Mechanical Integrity Testing for Class II Injection Wells (Repealed)
240.660	Monitoring and Reporting Requirements for Enhanced Recovery
	Injection and Disposal Wells (Repealed)
240.670	Avoidable Waste of Gas (Repealed)
240.680	Escape of Unburned Gas Prohibited (Repealed)

SUBPART G: WELL CONSTRUCTION, OPERATING
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section	
240.700	Applicability and Definitions
240.710	Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section
240.720	Surface and Production Casing Requirements for Conversion to Class II UIC Wells
240.730	Surface and Production Casing Requirements for Existing Class II UIC Wells
240.740	Other Construction Requirements for Class II UIC Wells
240.750	Operating Requirements for Class II UIC Wells
240.760	Establishment of Internal Mechanical Integrity for Class II UIC Wells
240.770	Establishment of External Mechanical Integrity for Class II UIC Wells
240.780	Reporting Requirements for Class II UIC Wells
240.790	Confidentiality of Well Data
240.795	Commercial Saltwater Disposal Well

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	240.805	Lease and Well Identification
	240.810	Tanks and Containment Dikes
	240.820	Flowlines
	240.830	Power Lines
	240.840	Equipment Storage
	240.850	Concrete Storage Structures
	240.860	Pits

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240.861	Existing Pit Exemption
240.870	Leaking Unpermitted Drill Hole
240.880	Spill Notification
240.890	Crude Oil Spill Clean-Up Requirements
240.891	Crude Oil Spill Waste Disposal
240.895	Produced Water Spill Clean-Up Requirements

SUBPART I: LIQUID OIL FIELD WASTE-AND-SPIES-RELATED WASTE HANDLING AND
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240.906	Application for a Liquid Oilfield Waste Transportation Vehicle Permit
240.910	Inspection of Vehicles (Tanks)
240.920	Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits
240.925	Liquid Oilfield Waste Recordkeeping Requirements
240.930	Produced Water
240.940	Crude Oil Bottom Sediments
240.950	Crude Oil Spill Waste Disposal (Repealed)
240.960	Oil Field Brine Hauling Permit Conditions (Repealed)
240.970	Inspection of Vehicles (Repealed)
240.980	Transfer of Permits (Repealed)
240.985	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.990	Records and Reporting Requirements (Repealed)
240.995	Bonds--Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

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240.1000	Definitions	
240.1005	<u>Requirements-for-Use-of-Vacuum-pumps</u>	Applicability
240.1010	<u>Application-for-Use-of-Vacuum</u>	Application for Vacuum Permit
240.1020	<u>Notice-and-Hearing-on-Application</u>	Contents of Application
240.1030	<u>Mining-Board-Authority</u>	Authority of Person Signing Application
240.1040	<u>Notice and Hearing</u>	
240.1050	<u>Issuance of Permit</u>	
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240.1105	Plugging of Non-Productive Wells (Repealed)
240.1110	Definitions
240.1120	Plugging of Uncased Wells
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240.1140	Class II UIC Wells
240.1140	General Plugging Procedures and Requirements
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240.1160	Plugging Fluid Handling and Storage
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240.1205	Application for Permit to Drill a Test Well or Drill Hole
240.1210	Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well (Repealed)
240.1220	Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
240.1230	Authority of Person Signing Application
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240.1260	Plugging and Restoration Requirements
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SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section	
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240.1305	Permit Requirements in Mine Areas
240.1310	Workable Coal Beds Defined
240.1320	Mining Board may Determine Presence of Coal Seams
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240.1340	Notice to Mining Board
240.1350	Casing and Protective Work
240.1360	Operational Requirements Over Active Mine
240.1370	Inspection of Vehicles (Recodified)
240.1380	Transfer of Permits (Recodified)
240.1385	Revocation of Oil Field Brine Hauling Permit (Recodified)
240.1390	Records and Reporting Requirements (Recodified)
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SUBPART N: TRANSFER OF PERMIT

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240.1430	Responsibilities of Current Permittee
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AUTHORITY: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 725/6 and 8a].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective Jan. 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg.

10981, effective JUL 14 1995

SUBPART A: GENERAL PROVISIONS

Section 240.10 Definitions

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"Annular or casing injection/disposal well"--means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and packer.

"Cement"--means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January, 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K of these rules.

"Class II fluids" means:

Produced water and/or other fluids brought to the surface in connection with drilling, completion, workover and plugging of oil and natural gas wells; enhanced recovery operations; or natural gas storage operations;

Produced water and/or other fluids from above, which prior to re-injection have been:

used on site for purposes integrally associated to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

chemically treated or altered to the extent necessary to make them usable for purposes integrally related to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations, or natural gas storage operations;

commingled with fluid wastes resulting from fluid treatments outlined above, provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and Recovery Act.

Fresh water from groundwater or surface water sources which is used for purposes integrally related or associated with oil and natural gas well drilling, completion, workover and plugging oil and gas production, enhanced recovery operations or natural gas storage;

Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide and scrubber liquid) which are an integral part of oil and gas production operations, and waste fluids from gas dehydration plants (including glycol-based compounds

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and filter backwash) which are an integral part of natural gas storage operations, unless the gas plant or gas dehydration plant wastes are classified as hazardous under the federal Resource Conservation and Recovery Act.

"Class II UIC well"--means a an Injection, Disposal or Commercial Disposal well into which fluids are injected:

Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are an integral part of production operations unless those waters are classified as a hazardous waste at the time of injection;

For enhanced recovery of oil or natural gas; and

For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Commercial Disposal Well"--means a permitted Class II well for which the permittee receives deliveries of Class II fluids by tank truck and charges a fee for the specific purpose of disposal of Class II fluids.

"Convert"--means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a new permit.

"Department"--means the Department of Mines and Minerals of the State of Illinois. ~~§§§-Rev-Stat-1991-96-1727-§§§-5401~~ [225 ILCS 725]

"Directional Drilling"-- means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Disposal Well"--means a Class II UIC well into which fluids brought to the surface in connection with oil or natural gas production are injected into a non-productive oil or gas zone for purposes other than enhanced oil recovery.

"District Office"--means the Department's office for the district in which the well is located.

"Enhanced Oil Recovery"--means any secondary or tertiary recovery method used in an effort to recover hydrocarbons from a pool by injection of fluids, gases or other substances to maintain, restore or augment natural reservoir energy, or by introducing gases, chemicals, other substances or heat or by in-site combustion, or by any

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combination thereof. ~~§§§-Rev-Stat-1991-96-1727-§§§-5401~~ [225 ILCS 725]

"Enhanced Oil Recovery Injection Well"--means a Class II UIC well used for enhanced oil recovery.

"Flowline"--means all injection, produced water and oil flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where the lines connect with a primary transportation pipeline.

"Fresh Water"--means surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, and which will support aquatic life and contains less than 10,000 mg/liter total dissolved solids.

"General Oilfield Waste"--means paper, trash, oily rags, chemical containers, oil filters and gaskets, used motor oil, hydraulic fluids, diesel fuels and other similar wastes generated during completion, production and plugging activities.

"Injection Well"--means a Class II well into which fluids brought to the surface in connection with oil or natural gas production are injected into a producing oil or gas zone for purposes of enhanced oil recovery.

"Liquid Oilfield Waste"--means oilfield brines, produced waters, Class II fluids, tank and pit crude oil bottom sediments, and drilling and completion fluids, to the extent those wastes are now or hereafter exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976. ~~§§§-Rev-Stat-1991-96-1727-§§§-5401~~ [225 ILCS 725/8c]

"Liquid Oilfield Waste Hauler"--means a person holding a permit to operate a liquid oilfield waste transportation system.

"Orphan Well"--means a well for which: (1) No fee assessment under Section 19.7 of the Act has been paid or no other bond coverage has been provided for 2 consecutive years; (2) no oil or gas has been produced from the well or from the lease or unit on which the well is located for 2 consecutive years; and (3) no permittee or owner can be identified or located by the Department. Orphaned wells include wells that may have been drilled for purposes other than those for which a permit is required under the Act if the well is a conduit for oil or salt water intrusions into fresh water zones or onto the surface which may be caused by oil and gas operations. ~~§§§-Rev-Stat-1991-96-1727-§§§-5401~~ [225 ILCS 725]

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"Owner"---means the person who has the right to drill into and produce from any pool, and to appropriate the production either for himself or for himself and another, or others, excluding the mineral owner's royalty if the right to drill and produce has been granted under an oil and gas lease. ††††-Rev.-Stat.-1991-CH--96-1-127-PAR--5401† [225 ILCS 725]

"Permit"---means the Department's written authorization allowing a well or test hole to be drilled, deepened, converted and/or operated.

"Permittee"---means the person holding or required to hold the permit, and who is also responsible for paying assessments in accordance with Section 19.7 of the Act and, where applicable, executing and filing the bond associated with the well as principal. When the ownership of the right to drill for and produce oil or gas consists of fractional undivided working interests, the permit shall be issued to an owner designated under an operating or other similar agreement as having the full rights and responsibility for operating the well. In the absence of such agreement, the permit shall be issued to an owner designated by the majority in interest of the owners of the well. ††††-Rev.-Stat.-1991-CH--96-1-127-PAR--5401† [225 ILCS 725]

"Person"---means any natural person, corporation, association, partnership, governmental agency or other legal entity, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind. ††††-Rev.-Stat.-1991-CH--96-1-127-PAR--5401† [225 ILCS 725]

"Pool"---means a natural underground reservoir containing, in whole or in part, a natural accumulation of oil or gas, or both. Each productive zone or stratum of a general structure, which is completely separated from any other zone or stratum in the structure, is deemed a separate "pool" as used herein. ††††-Rev.-Stat.-1991-CH--96-1-127-PAR--5401† [225 ILCS 725]

"Produced Water"---means water regardless of chloride and total dissolved solids (TDS) content which is produced in conjunction with oil and/or natural gas production and natural gas storage operations.

"Production Casing"---means the string of casing placed in a well and used for the purpose of isolating the production or injection formation.

"Repressure"---means to increase the reservoir pressure by the introduction of gas, air or water or other fluid into the reservoir.

"Reservoir"---for the purpose of these rules, is interchangeable with the term "pool".

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"Rotary Drilling"---means the hydraulic process of drilling a well for oil or gas as such method is commonly used in the industry.

"Shooting"---means the exploding of nitroglycerin or other high explosives in a well for the purpose of increasing the production of oil or gas.

"Surface Waters"---means any river, stream, lake, pond or intermittent stream.

"Tank"---means a vessel into which oil or water is gathered, produced or stored.

"The Act"---means the provisions of the Illinois Oil and Gas Act ††††-Rev.-Stat.-1991-CH--96-1-127-PAR--5401-ET-SEQ-† [225 ILCS 725].

"Undeveloped Limits of a Mine"---means that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum"---means pressure which is reduced below the pressure of the atmosphere.

"Water Drainage Way"---means any drainage ditch, roadside ditch, grassy waterway or any other natural or manmade surface or underground water drainage system.

"Well"---means any drill hole required to be permitted under subsection (2) of Section 6 or Section 12 of the Act.

(Source: Amended at 19 Ill. Reg. **10-9-81**, effective **JUL 14 1995**)

Section 240.180 Enforcement Hearings

- a) A person or permittee shall have 30 days from the date of service of the Director's decision or of the cessation order to request a hearing. ††††-Rev.-Stat.-1991-CH--96-1-127-PAR--5413† [225 ILCS 725] Except as provided in subsection (b) below, a person or permittee seeking to contest any Director's decision in which a civil penalty has been assessed shall submit the assessed amount to the Department together with a timely request for hearing. The assessed amount shall be held in an interest-bearing escrow account pending the outcome of the hearing. The assessed amount together with any interest, shall be returned to the person or permittee at the conclusion of the hearing if the Department does not prevail. All requests for hearing shall be mailed or delivered to the Illinois Department of Mines and Minerals, Oil and Gas Division, 300-West-Jefferson-Street--Suite-3007-P-0-Box 101407 Springfield, Illinois 62791-0140.

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- b) If a civil penalty assessment is imposed against a person pursuant to Section 240.160(d), such person will not be required to prepay the penalty into escrow in order to contest either the amount of the penalty or the fact of the violation.
- c) Upon receipt of a request for hearing submitted in accordance with subsections (a) or (b), the Department shall provide an opportunity for a formal hearing upon not less than 5 days written notice mailed to the permittee or person submitting the hearing request. ~~§111--Rev-Stat--1991--ch--96--127--par--5413~~ [225 ILCS 725/8a]. The hearing shall be conducted by the an impartial hearing officer under--contract with not employed by the Department and shall be conducted in accordance with the following procedures:
- 1) A pre-hearing conference shall be scheduled within 30 days of the request for hearing:
 - A) to define the factual and legal issues to be litigated at the administrative hearing;
 - B) to determine the timing and scope of discovery available to the parties;
 - C) to set a date for the parties to exchange all documents they intend to introduce into evidence during the hearing, a list of all witnesses the parties intend to have testify and a summary of the testimony of each such witness;
 - D) to schedule a date for the administrative hearing; and
 - E) to arrive at an equitable settlement of the hearing request, if possible.
 - F) Pre-hearing conferences under this Section may be conducted via telephone conference if such procedure is acceptable to all parties to the hearing. In the event that a telephone conference is not acceptable to all parties, the pre-hearing conference shall be conducted the place designated by the hearing officer.
 - G) Either party may file motions for default judgment, motions for summary judgment, motions for protective orders and motions for orders compelling discovery. The Department's hearing officer shall render an order granting or denying such motions filed within fifteen (15) days of service. Any order granting a motion for default judgment or a motion for summary judgment shall constitute the Department's final administrative decision as to the Director's Decision or cessation order being contested.
 - 2) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice of violation or cessation order was issued will be deemed to have waived all right to further review of the violation or civil penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect. All settlement agreements shall be executed by the hearing officer and shall constitute the

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- Department's final administrative decision as to the Director's Decision or cessation order being contested.
- 3) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act ~~§111--Rev-Stat--1991--ch--127--par--1010-5-et-seq~~ [5 ILCS/Art. 10]. All hearings under this Section shall be conducted in the Department's offices located at ~~300-West-Jefferson-Street--Suite 3007~~ in Springfield, Illinois. However, the Department may conduct a hearing under this Section at a site located closer than Springfield, Illinois, to the production and/or injection/disposal well identified in the Director's decision or cessation order being contested if facilities are available and convenient satisfactory to the Department.
 - 4) At the hearing the Department shall have the burden of proving the facts of the violation alleged in the notice of violation or cessation order at issue. The amount of any civil penalty assessed shall be presumed to be proper; however, the operator may offer evidence to rebut this presumption. The standard of proof shall be a preponderance of the evidence. The person or permittee shall have the right to challenge the hearing officer if the person or permittee believes the hearing officer is prejudiced against him or has a conflict of interest. If the hearing officer disqualifies himself, the Director shall designate a new hearing officer. The hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.
 - 5) The Director shall review the administrative record in a contested case, in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.
 - d) The person or permittee's failure to request a hearing in accordance with subsection (a) shall constitute a waiver of all legal rights to contest the Director's decision or the cessation order, including the amount of any civil penalty assessed. Within 30 days of the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.240 Additional Requirements for Directional Drilling

- a) If the applicant intends to deviate from the vertical in accordance

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with Section 240.450, the application shall include a map showing the proposed direction of deviation and proposed horizontal distance between the end of the well bore and the surface location of the well. b) Within sixty (60) days after the completion of drilling, a certified directional survey of the well must be filed with the Department showing the surface location of the well, the location of the top and bottom of the producing interval and the location of the end of the well bore.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995.)

Section 240.245 Additional Requirements for Horizontal Drilling

a) If the applicant intends to drill one or more horizontal drainholes using a short radius, from a vertical wellbore, the wellbore shall be spaced in accordance with Section 240.455.

b) The wellbore shall require only one permit.

c) The application for horizontal drilling shall include:

1) The legal location of the vertical wellbore and the proposed legal location of the bottomhole termination of each horizontal drainhole.

2) A plat map showing the surface location of the vertical wellbore and the location and length of each proposed horizontal drainhole. The applicant shall mark each horizontal drainhole on the application with a separate identifier.

3) A copy of the directional drilling survey for each horizontal drainhole shall be submitted to the Department within sixty (60) days after the completion of drilling of the horizontal drainhole.

4) A Well Completion Report shall be submitted for the vertical wellbore, if the vertical wellbore is newly drilled, and for each horizontal drainhole in accordance with Section 240.640 (a).

5) A Well Drilling Report shall be submitted for the vertical wellbore, if the vertical wellbore is newly drilled, and for each horizontal drainhole in accordance with Section 240.640 (b).

(Source: Added at 19 Ill. Reg. 10981, effective JUL 14 1995.)

Section 240.250 Issuance of Permit to Drill

a) If the applicant satisfies requirements of the Act and Rules the Department shall issue a permit.

b) A permit shall not be issued where a final administrative order of the Department is outstanding against the applicant or against a person or permittee who is an officer, director, partner or owner of more than a 5% interest of the applicant, where obligated funds from the Plugging

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and Restoration Fund are outstanding under Subpart P, or where annual well fees are outstanding under Subpart Q.

c) Permits shall expire one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence, but not to exceed two (2) years from date of commencement of drilling or conversion operations, at which time the well shall be plugged, production casing set, conversion operations completed or well repermited. If the drilling rig is removed prior to the expiration of the permit, any further drilling or deepening shall require repermitting.

d) Permits are not transferable prior to the drilling of the well.

e) If during drilling the well is lost (collapsed casing or hole, etc.), the permittee may terminate drilling and move the rig up to 30 feet from the permitted location and commence drilling operations, provided that:

1) the permittee notifies the District Office prior to the move and receives approval;

2) a new application and fee is submitted within ten (10) days in accordance with Section 240.220 of this Part; and

3) The new location is in compliance with all other requirements of this Part.

f) The Department shall revoke a permit that was issued in error or if the application contained an error or misrepresentation or the permittee fails to meet permit conditions.

g) The Department shall notify the permittee of their intent to revoke a permit effective thirty (30) days from the date of notice unless a hearing is requested in accordance with subsection (h) below.

h) If a written objection to the revocation is filed within thirty (30) days after the date of the notice:

1) A pre-hearing conference shall be held within fifteen (15) days after the receipt after the request for hearing.

A) A pre-hearing conference shall be scheduled in order to:

i) Simplify the factual and legal issues presented by the hearing request;

ii) Receive stipulations, admissions of fact and of the contents and authenticity of documents;

iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce at the hearing;

iv) Set a hearing date; and

v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.

2) All hearings under this Subpart shall be conducted in the Department's offices located in at--300--West--Jefferson--Street

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Suttee-3007, Springfield, Illinois.

- i) At the hearing, the Department shall present evidence in support of its determination under subsection (f) above. The permittee may present evidence contesting the Department's determination under subsection (f) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.
- j) Within thirty (30) days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a decision.
- k) The permittee's failure to request a hearing in accordance with subsection (h) shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section 240.300 Applicability

The provisions of this Subpart apply to Injection, Disposal and Commercial Disposal Class II UIC wells.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.310 Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well

- a) No person shall drill, deepen or convert any well for use as a Class II UIC well without a permit from the Department.
- b) Application for a permit to drill, deepen or convert to a Class II UIC well or amend existing Class II UIC well permit in accordance with Section 240.390(a) of this Part shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of \$100.00 and the required bond under Subpart L.
- c) At the time of application they must specify the type of Class II well being permitted as an Injection well, Disposal well or Commercial Disposal well.
- d) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application and shall advise the

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applicant that the application will be deemed denied unless the information or documents are submitted within 60 days following the date of notification.

- d) *Any well for which a permit is required under the Act, other than a plugged well, which was drilled prior to the effective date of the Act and for which no permit has previously been issued, is required to be permitted.* Application for a permit shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the required bond under Subpart L. If application is made on or before August 14, 1991, no permit fee is required, but all other requirements of this Subpart shall apply. An application made after that date shall be accompanied by the non-refundable fee of \$100.00. After August 14, 1991, any unpermitted well to which this Subpart applies will be deemed to be operating without a permit and subject to the penalties set forth in the Act.

~~###-Rev--Stat--19917-ch-96-1727-par--54187~~ [225 ILCS 725/12]

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

SUBPART D: SPACING OF WELLS

Section 240.400 Definitions

For the purposes of this Subpart:

"Gas" means a mixture of hydrocarbons and varying quantities of non-hydrocarbons in a gaseous state which may or may not be associated with oil, including those liquids resultant from condensation, but not including casing head gas; and

"Gas well" means a well with a gas to oil production ratio equal to or greater than 10,000 cubic feet of gas to 1 barrel of oil.

(Source: Added at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.410 Drilling Units

- a) Oil Wells
The Department shall not issue a permit for the drilling or deepening of a well for the production of oil within the State of Illinois unless the proposed well location and spacing conform to the following drilling units:
1) ten (10) acres of surface area lying within the quarter-quarter-section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of oil from a reservoir other than

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limestone/dolomite, the top of which lies less than four thousand (4,000) feet beneath the surface; the location of the well shall not be less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit, nor less than six hundred and sixty (660) feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir; or

- 2) twenty (20) acres of surface area lying within the east-west or north-south one-half of a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of oil from a limestone/dolomite reservoir, the top of which lies less than four thousand (4,000) feet beneath the surface; the location of the well shall not be less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit, nor less than six hundred and sixty (660) feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir; or
- 3) forty (40) acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of oil from a reservoir, the top of which lies at or below four thousand (4,000) feet beneath the surface; the location of the well shall be not less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit, nor less than nine hundred (900) feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir.

b) Gas Wells

The Department shall not issue a permit for the drilling or deepening of a well for the production of gas within the State of Illinois unless the proposed well location and spacing conform to the following drilling units:

- 1) ten (10) acres of surface area lying within the quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of gas from a reservoir other than limestone/dolomite, the top of which lies less than two thousand (2,000) feet beneath the surface; the location of the well shall not be less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit, nor less than six hundred and sixty (660) feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir; or

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- 2) twenty (20) acres of surface area lying within the east-west or north-south one-half of a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of gas from a limestone/dolomite reservoir, the top of which lies less than two thousand (2,000) feet beneath the surface; the location of the well shall not be less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit, nor less than six hundred and sixty (660) feet from the nearest location of a producing well, a well being drilled, or a well for which a permit has previously been issued, but not yet drilled, for a well to the same individual reservoir; or
- 3) forty (40) acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey) for wells drilled or deepened for the production of gas from a reservoir, the top of which lies between two thousand (2,000) feet below the surface, and five thousand (5,000) feet or the top of the Trenton Formation, whichever depth is greater; the location of the well shall not be less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit nor less than nine hundred (900) feet from the nearest location of a producing well or well being drilled or for which a permit has previously been issued but not yet drilled for a well to the same individual reservoir.
- 4) Establishment of Drilling Units for Deep Gas
 - A) In the case of wells drilled or deepened for the production of gas from a reservoir lying below five thousand (5,000) feet or the top of the Trenton Formation, whichever depth is greater, no permit shall be issued for an exploratory well unless the proposed spacing and well location provide for a minimum of 160 acres of surface area lying within a quarter section of land (as established by the official United States Public Land Survey) with the well location not less than six hundred sixty (660) feet from the nearest external boundary line of the drilling unit.
 - B) After completion of the exploratory well or wells, but prior to commencement of production activities, application shall be made to the Department for the adoption of rules establishing spacing and well location requirements for the reservoir or reservoirs completed. The application shall identify the lands underlying the reservoir or reservoirs for which spacing and well location rules are requested, and shall include any geological, engineering or economic data, studies or reports upon which the requested spacing and well location rules are based.
 - C) Within twenty (20) days after receipt of the application, the Department shall submit proposed spacing and well location rules for the reservoir or reservoirs in accordance

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with Section 5-40 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40), which shall include notice of a public hearing to be commenced no later than twenty (20) days after publication of the notice of proposed rulemaking in the Illinois Register. In addition to the notice requirements of the Illinois Administrative Procedure Act, the applicant shall give notice of public hearing to all permittees of record of oil or gas wells within 1/2 mile of the area described in the proposed rules by first class mail, postage pre-paid, and by publication in a newspaper of general circulation in each county in which any portion of the area described in proposed rules is located at least ten (10) days prior to the public hearing.

D) The public hearing shall be conducted in accordance with the provisions of subsections (b)(4) and (d)(5) of Section 240.370. The Department shall fully consider the record from the public hearing and any other public comment received during the first notice period, and, prior to commencement of the second notice period, shall make such changes to the proposed rules as may be necessary to prevent waste, protect correlative rights and prevent the unnecessary drilling of wells.

5) For the purposes of this Subpart:

A) "gas" means a mixture of hydrocarbons and varying quantities of non-hydrocarbons in a gaseous state which may or may not be associated with oil, including those liquids resultant from condensation but not including casing head gas; and

B) "gas well" means a well with a gas-to-oil production ratio equal to or greater than 10/900 cubic feet of gas to one barrel of oil.

c) Coalbed Gas Wells

The Department shall not issue a permit for the drilling or deepening of a well for the production of coalbed gas from unmined seams of coal unless the proposed well location and spacing conform to drilling unit requirements of ten (10) acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey); the location of the well shall be not less than three hundred thirty (330) feet from the nearest external boundary lines of the drilling unit.

d) Coal Mine Gas Wells

The Department shall not issue a permit for the drilling or deepening of a well drilled into a mine void or a pillar within the mined out area for the production of gas from an abandoned coal mine unless the proposed well location and spacing conform to drilling unit requirements of ten (10) acres of surface area lying within a quarter-quarter section of land (as established by the official United States Public Land Survey); the well location and set back requirements within the drilling unit shall not apply, but the

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~~well shall not be located less than three hundred thirty (330) feet from any property or lease boundary line is exempt from the spacing requirements of this Subpart.~~

e) Other Wells

Class II UIC wells, coal, mineral and structure test holes, observation wells, water supply wells used in relation to oil or gas production, and gas storage wells, are exempt from the requirements of this Section.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.430 Drilling Unit Exceptions

a) In the case of irregular sections containing more or less than six hundred forty (640) acres, in those areas where the United States Government has not made an official survey, in areas covered by the old French Surveys and Grants, in meandered lands, in government lots, and in subdivisions thereof where the acreage in quarter-quarter sections and quarter-quarter sections do not conform to the requirements of Section 240.410, the Department shall establish drilling units for wells such that drilling units will not cause a greater well density than would be encountered in regular official surveys relative to the distance between wells and the external drilling unit boundary lines specified in Section 240.410.

b) If the proposed oil wells will be part of an enhanced oil recovery project, spacing requirements for oil or gas production wells are as follows:

1) Except as provided in subsection (2) below, the drilling unit and well location requirements of Section 240.410 do not apply to an oil well which is part of an enhanced oil recovery project. For purposes of this subpart, an enhanced oil recovery project is a lease, or a unit composed of a group of leases operating under an agreement which provides for the sharing of production by all of the owners within the unit, which has one or more enhanced oil recovery injection wells permitted and in operation at the time an application for a permit to drill and operate an oil well is filed. The enhanced oil recovery injection wells in operation must be injecting into the reservoir which will be produced in order for the project to classify as an enhanced oil recovery project.

2) Oil wells permitted and drilled in accordance with this section must be located no less than 330 feet of the nearest lease boundary line or unit boundary except that, if at the time of application a lease immediately adjacent to the proposed well has producing wells located less than 330 feet from the common boundary line, then the proposed well may be located at a distance closer than 330 feet, but no closer than the distance to

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the common boundary line of the immediately offsetting well.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.450 Directional Drilling

~~For a directionally drilled well, the drilling unit shall be established--and the well permitted with reference to the location of the well where it is proposed to be completed--All portions of the reservoir exposed in the well bore shall meet the well location and spacing requirements specified in Section 240.440.~~

a) A directional drilled well is a wellbore which is purposely deviated from the vertical and intersects the planned zone of production at a projected surface location other than the surface location of the well specified on the permit.

b) For a directionally drilled well, the drilling unit shall be established and the well permitted with reference to the location of the well where it is proposed to be completed. All portions of the reservoir exposed in the wellbore shall meet the well location and spacing requirements specified in Section 240.410 or Section 240.460 for modified units.

c) If a directionally drilled well is drilled with more than one (1) directional hole from a single vertical wellbore, each directional hole shall be considered a separate well and permitted in accordance with Subpart B.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.455 Horizontal Drilling

a) An oil or gas production well may be developed with one or more horizontal drainholes drilled from a single vertical wellbore and shall be permitted in accordance with the provisions of Subpart B.

b) If the proposed well will be part of an enhanced oil recovery project, the spacing requirements for all portions of the horizontal drainholes shall comply with Section 240.430 (b).

c) If the proposed well is to be a primary recovery well, the spacing requirements for all portions of the horizontal drainholes shall comply with Section 240.410, or if a modified or special drilling unit is requested in compliance with Section 240.460 and/or 240.465.

(Source: Added at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.460 Modified Drilling Unit

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a) Upon application of any person having an interest in oil or gas in a lease or drilling unit, the Department shall schedule a hearing to consider modification of the location of drilling unit relative to the land survey system and setback requirements specified in Section 240.410 and well density specified in Section 240.465 of this Part.

b) Execution and Filing

1) The petition to ~~establish~~ modify a drilling unit in accordance with this Section or establish a special drilling unit in accordance with Section 240.465 shall be filed with the Illinois Department of Mines and Minerals, Oil and Gas Division, 300--West--Jefferson--Suite-3007--P-O-Box-101407 in Springfield, Illinois 62791-0140. The petition shall be deemed filed when it is received by the Department, Oil and Gas Division.

2) Every petition shall be signed by the petitioner or his representative and his address shall be stated thereon. The signature of the petitioner or his representative constitutes a certificate by him that he has read the petition and that to the best of his knowledge, information and belief there is good ground to support the same.

c) Notice of hearing shall be given by the applicant to all mineral owners within the boundaries set forth in the application, and to all permittees having oil or gas wells within one-half (1/2) mile of the boundaries of the lease or drilling unit, which are completed in the proposed zone of production, by U.S. Postal Service certified mail, return receipt requested, and by publication in a newspaper of general circulation in each county in which any portion of the proposed lease or drilling unit or units is located, at least ten (10) days prior to the hearing.

d) Pre-Hearing Conferences

1) Upon his own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet with him for a conference in order to:

- Simplify the factual and legal issues presented by the hearing request;
- Receive stipulations, admissions of fact and of the contents and authenticity of documents;
- Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.

e) Hearing

1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order

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and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:

- A) To administer oaths and affirmations;
- B) To receive relevant evidence;
- C) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- D) To consider and rule upon procedural requests;
- E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record.

- 2) Every person desiring to participate in the hearing shall enter his appearance by stating his name and address. Thereafter, such person shall be deemed a party of record.

- 3) All participants in the hearing shall have the right to be represented by counsel.

- 4) The Hearing Officer shall allow parties to present statements, testimony, evidence and arguments as may be relevant to the preceding.

- 5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit such information as is necessary to reach a decision on the petition.

- 6) Where applicable, the following shall be addressed prior to receiving evidence:

- A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.

- B) Ruling may be made on any pending motions.

- C) Any other preliminary matters appropriate for disposition prior to presentation of evidence.

f) Evidence

- 1) Admissibility: A party shall be entitled to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence received by the presiding Hearing Officer shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by reasonable, prudent men in the conduct of

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their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.

- 2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

- 3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.

- 4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.

g) Record of Proceedings; Testimony

The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department as such and included in the record.

h) Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing.

i) Default

If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 240.130(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the parties control.

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- j) If the Department finds, based on the reservoir's geological and engineering characteristics, that a modified drilling unit or units is necessary to prevent waste, to protect correlative rights, and to prevent the unnecessary drilling of wells, the Department shall enter an order establishing such drilling unit or units. Each order shall:
- 1) specify the location of each drilling unit relative to the land survey system; and
 - 2) specify the set back from the drilling unit boundaries for the location of the oil or gas well on each drilling unit.
- k) Order--Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.465 Special Drilling Unit

- a) Upon application of any person having an interest in oil and gas in a lease or drilling unit, the Department shall consider the establishment of a special drilling unit for:

1) spacing other than specified in Section 240.410; or
2) for the purpose of horizontal drilling in accordance with Section 240.455.

- b) Applications to establish a special drilling unit based on directional drilling shall be processed in accordance with the spacing provisions specified under Section 240.460(b) through (k).

(Source: Added at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.470 Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

- a) Upon application of any person having an interest in oil or gas in all or a portion of a reservoir, the Department shall consider the establishment of a ~~special drilling unit~~ or pool-wide drilling units other than specified in Section 240.410 of this Part for all or a portion of a reservoir for the production of oil or gas.
- b) Applications to establish pool-wide drilling units based upon reservoir characteristics shall be processed in accordance with Section 240.133 of this Part.
- c) The following pool-wide oil well spacing is established by the Department.

- 1) Ten (10) acre spacing is established for the Devonian and Silurian Limestone in Sections 16, 17, 20, 21 and 29 of Township 3 North, Range 3 West, Schuyler County, Illinois, known as the Brooklyn Pool.

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- 2) Ten (10) acre spacing is established for the Devonian and Silurian Limestone in Sections 29, 30, 31 and 32 of Township 1 South, Range 3 West, Sections 24, 25, 26, 33, 34, 35 and 36 of Township 1 South, Range 4 West, Sections 5, 6 and 8 of Township 2 South, Range 3 West and Sections 1, 2, 3 and 4 of Township 2 South, Range 4 West, Brown County, Illinois, known as the Buckhorn Consolidated Pool.
- 3) Ten (10) acre spacing is established for the Devonian and Silurian Limestone in Sections 8, 9, 15, 16 and 17 of Township 2 South, Range 4 West, Brown County, Illinois, known as the Siloam Pool.
- 4) Ten (10) acre spacing is established for the Devonian and Silurian Limestone in Sections 6 and 7 of Township 1 North, Range 1 West, Sections 1, 2 and 12 of Township 1 North, Range 2 West, and Sections 35 and 36 of Township 2 North, Range 2 West, Schuyler County, Illinois, known as the Rushville Central Pool.
- 5) Ten (10) acre spacing is established for the Devonian and Silurian Limestone in Sections 25 and 36 of Township 1 South, Range 5 West, Sections 1, 2, 10, 11 and 12 of Township 2 South, Range 5 West, Adams County, Illinois and in Section 7 of Township 2 South, Range 4 West, Brown County, Illinois, known as the Kellerville Pool.
- 6) Ten (10) acre spacing is established for the St. Louis Limestone (Mississippian) in Sections 6, 7, 18 and 19 of Township 11 North, Range 11 East and Sections 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 28, 29 and 30 of Township 11 North, Range 14 West, Cumberland Clark County, Illinois, known as the Westfield Pool.
- 7) Ten (10) acre spacing is established for the St. Louis/Salem (Mississippian) Limestone in Sections 31, 32, 33 and 34 of Township 12 North, Range 14 West, Cumberland Clark County, Illinois, known as the Westfield Pool.
- 8) Ten (10) acre spacing is established for the St. Louis/Salem (Mississippian) Limestone in Sections 2, 3, 10, 11, 12 and 13 of Township 9 North, Range 14 West and in Sections 14, 15, 22, 23, 24, 25, 26, 35 and 36 of Township 10 North, Range 14 West, Clark County, Illinois, known as the Martinsville Pool.
- 9) Ten (10) acre spacing is established for the St. Louis/Salem (Mississippian) Limestone in Sections 22, 23, 26, 27, 34 and 35 of Township 9 North, Range 14 West, Clark County, Illinois, known as the Johnson South Pool.
- 10) Ten (10) acre spacing is established for the Trenton Limestone in Sections 34 and 35 of Township 1 South, Range 10 West and in Sections 2, 3, 11 and 24 of Township 2 South, Range 10 West, Monroe County, Illinois, known as the Waterloo Pool.
- 11) Ten (10) acre spacing is established for the Trenton Limestone in Sections 27, 33 and 34 of Township 1 North, Range 10 West, St. Clair County, Illinois, known as the Dupo Pool.

d) The following pool-wide natural gas spacing is established by the

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Department.

One Hundred Sixty (160) acre spacing is established for the New Albany Shale Gas in the West half of Section 5, and all of Sections 6, 7, 8, 17, 18, 19 and 20 of Township 4 North, Range 10 West and in Sections 1, 2, 11, 12, 13 and 14 and the East half of Section 24, of Township 4 North, Range 11 West, Lawrence County, Illinois.

(Source: Amended at 19 Ill. Reg. **10981**, effective JUL 14 1995)

SUBPART E: WELL DRILLING,
COMPLETION AND WORKOVER REQUIREMENTS

Section 240.500 Definitions

For the purpose of this Subpart the term:

"Completion Fluids" means liquids that are used to complete or workover a well including saltwater, crude oil, frac fluids, acids and other treatment chemicals.

"Completion Fluid Waste" means completion fluids that are generated from the well during completion or workover activities.

"Drilling Fluid" means any medium freshwater based drilling muds, air or air foam mixtures used in the drilling of a well. ~~such as--fresh water--crude-oil-based-or-fresh-water-based-drilling-muds--and-air-or air-foam-mixtures.~~

"Drilling Fluid Waste" means drilling fluids, muds and cuttings that are generated from the well during drilling activities.

"Oil Drilling Fluid" means any refined oil based drilling mud or drilling mud containing greater than 5% by volume crude oil.

"Saltwater Drilling Fluid" means any saltwater based drilling mud in excess of 10,000 ppm chlorides.

(Source: Amended at 19 Ill. Reg. **10981**, effective JUL 14 1995)

Section 240.520 Drilling Fluid Handling and Storage

- a) Cable Tool or Air Rotary Drilling
When drilling with cable tools or air rotary equipment the permittee shall provide at least one (1) sediment pit or above ground container into which drill cuttings and drilling fluids shall be deposited.
- b) Rotary Drilling with Mud

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When drilling with rotary drilling equipment using drilling fluids, the permittee shall provide at least one (1) sediment pit or above ground portable container into which drill cuttings shall be deposited, and one (1) drilling fluid circulation pit or leak free above ground container. Other pits, such as a reserve pit used for storage of drilling fluid waste, may be constructed as needed by the permittee.

c) Drilling Pits

- 1) Pits used for drill cuttings (sediment pits) and drilling fluids (circulation pits) or drilling fluid wastes (reserve pits) shall be constructed with sufficient capacity to contain all drilling fluids within the pits, and maintained in a manner that reasonably prevents against overflow during drilling operations, and prior to commencing pit restoration in accordance with Section 240.540 of this Part. Discharge of drilling fluids from the pits into any surface water or water drainage way is prohibited.

- 2) Sediment pits and drilling fluid circulation pits and reserve pits shall be used only for the temporary storage of drill cuttings and drilling fluids, and shall not be used for the disposal of general oilfield wastes.

(Source: Amended at 19 Ill. Reg. **10981**, effective JUL 14 1995)

Section 240.525 Saltwater or Oil Based Drilling Fluid Handling and Storage

- a) When initiating drilling operations using Saltwater or Oil drilling fluids, the permittee shall provide at least one (1) lined sediment pit or above ground, portable container into which drill cuttings shall be deposited, and one (1) lined drilling fluid circulation pit or leak free, above ground container.
- b) Pits used for drill cuttings (sediment pits) and drilling fluids (circulation pits) or reserve pits (drilling fluid waste storage) shall be lined with at least a 20 mil thickness liner. If drilling operations begin with fresh water based mud and a mud cake is established in the drilling and circulation pits prior to the use of saltwater or oil based mud, liners are not required unless those pits will be used for drilling fluid waste disposal. Reserve pits into which saltwater or oil based drilling fluid wastes are deposited or disposed shall be lined. Pits shall be constructed with sufficient capacity to contain all drilling fluids within the pits, and maintained in a manner that reasonably prevents against overflow during drilling operations and prior to commencing pit restoration in accordance with Section 240.540 of this Part. Discharge of drilling fluids from the pits into any surface water or water drainage way is prohibited.
- c) Sediment pits and drilling fluid circulation pits and reserve pits

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shall be used only for the storage and disposal of drill cuttings and drilling fluids, and shall not be used for the disposal of general oilfield wastes.

(Source: Added 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.530 Completion Fluid and Completion Fluid Waste Handling and Storage

- a) Completion Fluid Handling and Storage Prior to Use
Completion fluids temporarily stored at the well site for use in completion activities shall be stored in a lined completion pit or leak free above ground container.
- b) Completion Fluid Waste Handling and Storage
Completion fluid wastes generated from the well during completion activities shall be collected at the well site in a completion pit or leak free above ground container.
- c) Completion and Workover Pits

- 1) Pits used for completion fluids and completion fluid wastes shall be constructed with sufficient capacity to contain the fluids within the pits, and maintained in a manner that reasonably prevents against overflow during completion or workover activities, and prior to commencing pit restoration in accordance with Section 240.540 of this Part. Discharge of completion fluids and completion fluid wastes from the pits into any surface water or water drainage way is prohibited.

- 2) The sediment pit or the drilling fluid circulation pit used during drilling operations may be used for the collection of completion fluid wastes during completion activities. If either pit is used as a completion pit, drill cuttings and drilling fluids shall first be removed and a dike constructed to prevent completion fluid wastes from entering the other pit.

- 3) Completion or workover pits used to store completion fluids prior to use in the well shall be lined with a liner at least 30 20 mills in thickness.

- 4) Completion or workover pits shall be used only for the temporary storage of completion fluids and completion fluid wastes in accordance with the requirements of this subsection, and shall not be used for the disposal of general oilfield wastes.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.540 Drilling and Completion Pit Restoration

- a) Sediment, and drilling fluid circulation and reserve pits, except sediment pits used as completion pits, shall be filled and leveled within six (6) months after drilling ceases. Drilling fluid wastes

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may be disposed of by on-site burial or surface application. Saltwater or Oil Drilling Fluid wastes shall be removed from the site and disposed in an Illinois Environmental Protection Agency permitted special waste landfill, injected in a Class II well, disposed in a well during the plugging process or buried in one of the lined pits and the liner folded over and an additional liner added to completely cover the drilling waste and buried at least three (3) feet below the ground surface.

- b) If surface application is used for disposal of drilling fluid wastes (prohibited for Saltwater or Oil Based Drilling Fluids), the wastes shall be landspread, incorporated and stabilized to limit run off of storm water containing drilling fluid waste. Discharge of drilling fluid waste into surface waters or water drainage ways is prohibited.
- b+c) Drilling pits used as completion pits in accordance with Section 240.530(C)(2) of this Subpart shall be filled and leveled within six (6) months after completion activities cease. Newly constructed completion or workover pits shall be filled and leveled within ninety (90) days after completion or workover activities cease. All completion or workover fluid wastes shall be removed from the pit and disposed of in a Class II Injection well (or in above ground tanks of containers pending disposal) prior to restoration. Any remaining residue not removed can be disposed of through on-site burial. Only residue from that particular well on which completion or workover activities were performed can be disposed of by on-site burial.

- e+d) All drilling, and completion and workover pits shall be filled and leveled in a manner that allows the site to be returned to original use with no subsidence or leakage of fluids, and where applicable, with sufficient compaction to support farm machinery.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.630 Operating Requirements

- a) The well and wellhead shall be maintained in a leak-free condition.
- b) All spills of produced water or oil occurring at the well-site due to a leaking wellhead shall be cleaned up in accordance with Subparts H and I.

- c) Wells that have not produced for more than two (2) years shall be temporarily abandoned or plugged in accordance with Subpart K.

- d) Casinghead gas, produced in conjunction with oil production, that is not collected for use or sale, shall be flared unless the Department approves an exemption from this requirement. In determining whether to approve an exemption, the Department shall consider the quantity of casing head gas produced, the topographical and climatological features at the well site, and the proximity of agricultural structures and crops, inhabited structures, public buildings, and public roads and railways.

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- e) If Hydrogen Sulfide gas (H₂S) is present in excess of 20 ppm within five (5) feet in any direction from the wellhead or the end of the flare line, the Department shall specify measures to be taken by the permittee to protect against waste and injury to the public health and safety, which may include the erection of flare lines, the posting of warning signs, and the erection of fencing. The Department may also require the setting of a temporary mechanical or cement plug during any period of time in which the well is not producing or during any period of time necessary to effectuate safety measures. In specifying the measures to be taken by the permittee, the Department shall consider the quantities of H₂S being emitted, the topographical and climatological features at the well site and the proximity of inhabited structures, public buildings, and public roads and railways.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

SUBPART G: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section 240.700 Applicability and Definitions

The provisions of this Subpart apply to all Class II UIC wells - including commercial saltwater disposal wells.

"Commercial Saltwater Disposal Well Facility" means a commercial saltwater disposal well and all associated Class II storage tanks, concrete storage structures, piping and valves.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.750 Operating Requirements for Class II UIC Wells

- The wellhead shall be maintained in a leak-free condition.
- Spills of injected fluids occurring at the well-site due to a leaking wellhead shall be cleaned up in accordance with Subpart I.
- Wells which are not equipped with tubing and packer shall be temporarily abandoned or plugged in accordance with Subpart K.
- The injection pressure shall not exceed the maximum injection pressure established in accordance with Section 240.340(e) of this Part, unless amended in accordance with Section 240.390(b) of this Part.
- No change shall be made in the permitted injection zones except in accordance with Section 240.390(a) of this Part or Section 240.395 of this Part.
- Within the Area of Review as defined in 62 Ill. Adm. Code 240.360, injection fluids shall be confined to the permitted injection zones. If the injection fluids are migrating into unpermitted zones, or into

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the fresh water zone or to the surface from the well in question or from other wells within the Area of Review, the permittee shall notify the Department, and shut in the well until remedial action that prevents the fluid migration is completed.

- g) Mechanical integrity must be established in accordance with Sections 240.760 and 240.770.

- h) Only Class II fluids can be injected into a Class II well. ~~Class II fluids are:~~

- ~~Produced water and/or other fluids brought to the surface in connection with drilling, completion, workover, and plugging of oil- and natural-gas wells; oil- and natural-gas production; enhanced recovery operations; or natural-gas storage operations;~~
- ~~Produced water and/or other fluids from (i) above, which prior to re-injection have been:~~
 - ~~used on-site for purposes integrally associated to oil- and natural-gas well drilling, completion, workover, and plugging; oil- and gas production; enhanced recovery operations of natural-gas storage; chemically treated or altered to the extent necessary to make them usable for purposes integrally related to oil- and natural-gas well drilling, completion, workover, and plugging; oil- and gas production; enhanced recovery operations; or natural-gas storage operations;~~
 - ~~commingled with fluid wastes resulting from fluid treatments outlined in (b); provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and Recovery Act;~~

- ~~3) Fresh water from groundwater or surface water sources which is used for purposes integrally related or associated with oil- and natural-gas well drilling, completion, workover, and plugging of oil- and gas production; enhanced recovery operations; or natural-gas storage;~~

- ~~4) Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide, and scrubber liquid) which are an integral part of oil- and gas production operations; and waste fluids from gas dehydration plants (including glycol-based compounds and filter backwash) which are an integral part of natural-gas storage operations; unless the gas plant or gas dehydration plant wastes are classified as hazardous under the federal Resource Conservation and Recovery Act;~~

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.760 Establishment of Internal Mechanical Integrity for Class II UIC Wells

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- a) For purposes of this Section, establishment of Internal Mechanical Integrity includes proper placement of the packer in accordance with subsection (b) below and successful completion of a pressure test in accordance with subsection (f) below.
- b) Injection shall be through tubing and packer. The packer shall be placed no higher than two hundred (200) feet above the uppermost perforations or the casing seat in an open hole completion, provided the packer is within the cemented portion of the production casing such that there is at least fifty (50) feet of cement above the packer, and further provided the packer is no less than one hundred (100) feet below the base of the fresh water. No perforations shall be left open above the packer unless they are isolated by a dual packer or concentric packer system. If a dual packer is used, the uppermost packer must satisfy the placement requirements of this subsection.
- c) If the packer cannot be set in accordance with subsection (b) above due to existing well construction or an obstruction in the well, the permittee may request and the Department may specify an alternate packer setting depth provided the packer remains within the cemented portion of the production casing. In determining an alternate packer setting depth the Department shall take into consideration the current construction of the well, the depth of the freshwater and the nature of the obstruction.
- ed) The permittee shall contact the District Office in which the well is located at least twenty-four (24) hours prior to the initial setting or any resetting of the packer in a Class II UIC well to enable an inspector to be present when the packer is set. Setting of the packer must be reported on a form prescribed by the Department.
- de) An internal mechanical integrity test shall be performed:
- 1) prior to initial injection into a newly permitted Class II UIC well;
 - 2) prior to initial injection into a Class II UIC well after a change to a new, permitted injection zone;
 - 3) prior to resuming injection into any Class II UIC well after any work over of the well involving the resetting or movement of a packer;
 - 4) prior to initial injection into a Class II UIC well after the well has been reactivated from temporary abandonment status;
 - 5) whenever the Department has reason to believe, based upon well records or field observation, and subject to the provisions of Sections 240.140, 240.150 and 240.170 of this Part, that the Class II UIC well may be leaking or improperly constructed; and
 - 6) at least once every five (5) years measured from the date of the last successful test- unless a temporary abandonment is approved in accordance with Section 240.1130.
- ef) All Class II UIC wells not subjected to an internal mechanical integrity pressure test as of September 1, 1990 shall be tested by September 1, 1995, unless temporarily abandoned in accordance with

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Section 240.1130 within 5 years of the effective date of this Section. During the first four (4) years, each permittee shall conduct an internal mechanical integrity test each year commencing September 1 on at least 20% of the permittee's total Class II UIC wells of record as of September 1 as reported to each permittee by the Department. During the fifth year each permittee shall conduct an internal mechanical integrity test on all remaining untested Class II UIC wells that are of record September 1, 1994 or are acquired during the year ending September 1, 1995. Class II UIC wells sold or acquired during the first four years shall not affect the total number of wells from which the 20% testing requirement is derived for that year. Wells tested during the year in which they are transferred shall count toward the 20% testing requirement of the permittee who conducted the test. Class II UIC wells temporarily abandoned, converted to production wells or plugged in accordance with the provisions of Subpart K during any year shall count toward the 20% testing requirement.

fg) Pressure Test:

The following pressure test shall be performed on Class II UIC wells to establish the internal mechanical integrity of the tubing, casing and packer of the well. The permittee shall contact the District Office in which the well is located at least twenty-four (24) hours prior to conducting a pressure test to enable an inspector to be present when the test is done. The permittee shall report the test results on a form prescribed by the Department.

1) Pressure Test

The casing-tubing annulus above the packer shall be tested under the supervision of the Department at a minimum pressure differential between the tubing and the annulus of 50 PSIG for a period of 30 minutes. In addition, the casing-tubing annulus starting test pressure shall not be less than 300 PSIG and may vary no more than five (5) percent of the starting test pressure during the test. The well may be operating or shut in during the test.

2) Monitoring Test

For those wells which are structurally unable to withstand the pressure test specified in subsection (d)(1) above because the packer would unseat, but not because the well is improperly constructed, the permittee may make application to perform a monitoring test in lieu of the pressure test on forms prescribed by the Department. An approved monitoring test will consist of pressuring the annulus to a specified pressure no less than 50 PSIG and monitoring the positive annular pressure over a specified period of time. In determining whether to approve a monitoring test, and in establishing the test parameters (i.e., positive annulus pressure, tubing injection pressure, injection rate, monitoring method and length and frequency of monitoring), the Department shall consider well construction including:

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A) the volume of the casing-tubing annulus;

B) depth of packer;

C) pressure below the packer; and

D) type of tubing and packer.

g) Any Class II UIC well which fails an internal mechanical integrity test, or on which an internal mechanical integrity test has not been performed when required by subsection (d) and (e) above, shall be shut in until the well is plugged or until remedial work is completed and an internal mechanical integrity test is successfully completed. If the necessary work has not been completed and an internal mechanical integrity test successfully completed within ninety (90) days (or within any greater length of time established by the Department due to weather conditions), the well shall be temporarily abandoned in accordance with Section 240.1130(d) of this Part.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.795 Commercial Saltwater Disposal Well

a) Only Class II fluids, as defined in Section 240.110, shall be disposed of into a Commercial Saltwater Disposal Well, or stored at a commercial saltwater disposal facility.

b) All Class II fluids being stored at a Commercial Saltwater Disposal Well Facility shall be stored in either leak free steel or fiberglass tanks or concrete storage structures. All tanks and concrete storage structures shall be constructed and maintained in accordance with Section 240.810 and 240.850.

c) The permittee of the Commercial Saltwater Disposal Well, or a permitted liquid oilfield waste transporter, shall be present when Class II fluids are being delivered to the facility.

d) All Commercial Saltwater Disposal Well Facilities shall be surrounded by a fence of at least four (4) feet in height above ground level and a gate with a lock to restrict access to the facility. The facility must be kept locked from 11:00 p.m. to 5:00 a.m.

e) Accurate records shall be maintained by the permittee of the Commercial Saltwater Disposal Well, or his authorized representative, of all Class II fluids delivered to the facility. These records shall include all of the following:

- 1) the name of the permittee from which the fluid is delivered;
- 2) the date of delivery;
- 3) the number of barrels of fluid delivered;
- 4) the name and location of the lease from which the fluids were produced; and
- 5) the name and vehicle permit number of the Liquid Oilfield Waste Hauler delivering the fluid.

These records shall be maintained at the facility or principal place of business for a minimum of three (3) years and shall be made

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f) available for inspection by a Department representative upon request. Upon request by a representative of the Department, a sample of Class II fluid from the facility shall be analyzed by the permittee to determine fluid quality. The samples shall be analyzed for at least the following parameters: pH, Total Dissolved Solids, Chloride, and Specific Gravity. If deemed necessary for the protection of the environment, the Department may request the samples be analyzed for additional constituents.

(Source: Added at 19 Ill. Reg. 10981, effective JUL 14 1995)

SUBPART H LEASE OPERATING REQUIREMENTS

Section 240.820 Flowlines

a) All flowlines used in the production of oil and/or natural gas, constructed after the effective date of this rule November 8, 1993, shall be buried at least thirty-six (36) inches below the ground surface. The flowline shall be exempt from these burial requirements if made of steel and either of the following conditions exist:

- 1) the topographical features, land uses or ground conditions prevent the efficient burial of flowlines; or
- 2) the terms of the oil and gas lease prohibit the burial of flowlines.

b) The Department shall have the authority to take enforcement action pursuant to Sections 240.140 through 240.170 of this Part) requiring flowlines existing on the effective date of this rule to be replaced or buried if the Department finds, based on field observation, that the flowlines constitute a hazard to public safety or can reasonably be expected to cause damage to the environment through leaks and spills.

c) No flowline conveying produced water shall have an outlet valve for the discharge of produced water between the place or well of origin and the authorized storage or disposal point.

d) Any spill from a flowline leak shall be cleaned up in accordance with Sections 240.890 and 240.895.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.830 Power Lines

a) All power lines installed after November 8, 1993 shall be buried at least thirty-six (36) inches below the ground surface or elevated on power poles at a height sufficient for farm machinery to pass underneath, not to exceed to eighteen (18) feet above the ground surface. The permittee, however, may install power lines to a greater

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height than eighteen (18) feet above the ground surface.

- b) The Department shall have the authority to take enforcement action (pursuant to Sections 240.140 through 240.170 of this Part) requiring powerlines existing on November 8, 1993 to be elevated to a minimum of fourteen (14) feet or buried in accordance with subsection (a) above, if the Department finds, based on field observation, that the powerlines constitute a hazard to public safety.

(Source: Amended at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

Section 240.850 Concrete Storage Structures

- a) The requirements of this Section apply to:

- 1) All concrete storage structures existing on the effective-date-of this-Section that July 1, 1995 which will continue to be used.
- 2) Any new concrete storage structures constructed after the effective-date-of-this-Section May 13, 1994.

- b) Definition Definitions

"Concrete Storage Structure", as used in this Section, is a formed concrete impoundment, the base of which is at or below ground level, used for temporary storage of liquid oilfield waste or produced water prior to disposal.

"New Concrete Storage Structure" means a concrete storage structure permitted and constructed after May 13, 1994.

"Existing Concrete Storage Structure" means a concrete storage structure constructed prior to May 13, 1994.

- c) Concrete Storage Structure Permitting Procedures

All new concrete storage structures constructed after May 13, 1994 are required to be permitted and may not be used until the permit is issued. All existing concrete storage structures constructed prior to May 13, 1994 must be permitted by July 1, 1995 or restored in accordance with subsection (a) below, within-six-(6)-months-after-the effective-date-of-this-Section. The permittee shall apply for a permit on a form prescribed by the Department which shall include the following:

- 1) A map drawn to scale showing the location of the concrete storage structure relative to the lease boundaries, potable water wells and local surface drainage located within 1/4 mile of the proposed structure.
- 2) Concrete storage structure dimensions.
- 3) Soil types in the area of concrete storage structure construction.
- 4) Chemical analysis of produced water to be temporarily stored in the concrete storage structure showing TDS and chlorides.

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- 5) A description of the method for disposal of the produced water or liquid oilfield waste temporarily stored in the concrete storage structure.

- d) General ~~Concrete~~ Storage ~~Location and Construction Requirements for New and Existing Concrete Storage Structures~~

- 1) New concrete storage structure structures shall not be located:

- A) within two hundred (200) feet of an existing inhabited structure, unless the current owner of the structure has provided a written waiver consenting to the construction closer than two hundred (200) feet. Any concrete storage structure located closer than two hundred (200) feet shall be completely fenced to prevent unauthorized access;

- B) within two hundred (200) feet of a domestic water supply well or twenty-five hundred (2,500) feet of a municipal water supply well;

- C) within two hundred (200) feet of a stream, body of water, or marshy land, unless the permittee can demonstrate to the Department that construction standards or topography will prevent discharge from the concrete storage structure;

- D) in an area which is subject to annual flooding by streams, rivers, lakes, or drainage ditches.

- 2) Existing concrete storage structures shall be completely fenced to prevent unauthorized access when located, at the time of permitting, within 200 feet of an existing inhabited structure.

- 23) Surface water drainage shall be diverted away from the all concrete storage structure structures.

- 34) ~~Concrete~~ Storage ~~Structure~~ Contents Contents from any concrete storage structure shall not be discharged onto the surrounding land surface or into a stream or other body of water unless a permit has been obtained from the Illinois Environmental Protection Agency ("IEPA").

- 45) The concrete storage structure permit number and the name of the permittee must be posted at the all concrete storage structure structures in a legible and visible manner.

- 56) All concrete storage structures shall be covered with bird netting or other system designed to keep birds and flying mammals from landing in the concrete storage structure.

- 67) New Concrete concrete storage structures constructed--after--May 15--1994 shall be constructed utilizing standard engineering practices using formed concrete bottom and sides and be underlain by a drainage system constructed to allow the monitoring and sampling of fluids present under the structure. After installation of the concrete liner and prior to concrete storage structure use, the structure shall be inspected by a Department Well Inspector. The permittee shall correct damages or imperfections before placing liquid oilfield waste or produced water in the concrete storage structure. The fluid drainage from

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beneath the pit shall be sampled quarterly. The sample shall be analyzed for chlorides by an "independent testing" facility. The results of the analysis shall be maintained at the facility offices for review upon request, by the Department. If the fluid analysis indicates a leak is present, the Department shall be notified within five (5) days and the pit shall be drained and repaired.

- 78) ~~After installation of the concrete liner and prior to concrete storage structure use, the structure shall be inspected by a Department Well Inspector. The permittee shall correct damages or imperfections before placing liquid oilfield waste or produced water in the concrete storage structure. Existing concrete storage structures shall have been constructed utilizing standard engineering practices using formed concrete bottoms and sides. Existing concrete structures shall be exempt from the under structure drainage provision specified in (7) above for new structures. However, existing structures shall be subject to inspection and repair in accordance with Section 240.850(f) of this subpart.~~

- 89) Puncturing or perforating the concrete liner or installing any type of drainage system which penetrates the sides or bottom of any structure is prohibited.

e) Concrete Storage Structure Abandonment and Restoration

- 1) Prior to removal and or burial of the concrete storage structure:
A) ~~The free liquid fraction~~ All of the liquid oilfield waste shall be removed and disposed of in a Class II UTC well.

- B) Crude oil bottom sediments shall be disposed of in accordance with Section Sections 240.940(a) and (b) of this Part.

- C) For new and existing concrete storage structures permitted in accordance with this Subpart and restored after July 1, 1995, the pit residue shall be removed from the site and disposed of at an Illinois Environmental Protection Agency permitted non-hazardous special waste landfill. provided that concrete storage structures residue containing NORM may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety.

- D) For existing concrete storage structures not permitted for continued use in accordance with this Subpart by July 1, 1995, and required to be restored, or permitted existing pits restored by July 1, 1995, the pit residue can be buried on site within the concrete structure.

- 2) If the base of the structure is less than three (3) feet below the ground surface, the structure must be completely dismantled and removed from the site. The surface area shall be leveled and restored in such a manner as to prevent the ponding of water and erosion.

- 3) If any portion of the structure is below the ground surface, the

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portion of the structure within three (3) feet of the surrounding surface shall be removed. Any remaining structure must be configured to prevent the accumulation of water within the remaining structure and backfilled to prevent surface ponding and subsidence.

f) Inspection of Concrete Storage Structure

All new or newly-permitted and existing concrete storage structures shall be subject to inspection by a Department Well Inspector. If requested at time of the inspection, the concrete storage structure shall be emptied in order to examine the integrity of the structure. The Department may order any remedial work it deems necessary to ensure compliance with Department regulations.

(Source: Amended at 19 Ill. Reg. 00981, effective JUL 14 1995)

Section 240.860 Pits

- a) "Pit", as used in this Section, is a synthetic lined or unlined earthen surface impoundment, whether a man-made excavation or a diked area, used for temporary storage of liquid oil field waste or produced water prior to disposal.

- b) Construction of pits other than those specified in Subparts E and K of this Part is prohibited.

- c) All pits in existence on May 13, 1994 shall be closed by July 1, 1995 as follows, unless exempted in accordance with Section 240.861 of this Part:

- 1) All pits without synthetic liners shall be restored in accordance with subsection (d) below.
- 2) Unpermitted synthetic lined pits shall be restored in accordance with subsection (d) below.
- 3) Pits with leaking or torn liners shall be restored in accordance with subsection (d) below.
- 4) Permitted synthetic lined pits that are not torn or leaking shall be restored in accordance with subsection (d) below within five (5) years from the Department's pit permit date.
- 5) Synthetic lined pits permitted more than five (5) years ago shall be restored in accordance with subsection (d).

- d) Pits shall be restored as follows:

- 1) All liquid oilfield waste shall be removed and disposed of in a Class II UTC well.
- 2) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a) and (b).
- 3) For pits required to be closed by July 1, 1995 and not exempted in accordance with Section 240.861, the ~~the~~ pit residue and

liner, if any, shall either be:

- A) removed from the site and disposed of at an Illinois Environmental Protection Agency permitted non-hazardous

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special waste landfill, provided that pit residue or liner containing NORM with radioactivity levels exceeding background may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety; or

- B) consolidated from the sides to the bottom of the pit and covered in place with a clay or synthetic liner sufficient to impede the infiltration of surface water and placed at least five (5) feet below the ground surface. The pit shall be backfilled and the pit residue covered with 5' of soil having a radioactivity level at or below background level with the upper most 18" consisting of clean soil not contaminated by oilfield brine or crude oil. The backfilled area shall be graded to promote runoff with no depressions that would accumulate or pond water on the surface. The stability of the backfilled pit shall be compatible with the adjacent land use. The surface area over the backfilled pit area shall be stabilized to prevent erosion.

- C) The Department shall prepare an inventory identifying, by county, all closed and unclosed liquid oilfield waste or produced water storage pits. The Department shall file such notice in the county clerk's office in the county in which such pits are located. The notice shall specify the location of the pit, generally identify the nature of the materials buried and, if known, specify the radioactivity level of the material buried. If the radioactivity is not known, the notice shall specify that the buried oil and gas waste may contain Naturally Occurring Radioactive Material (NORM).

(Source: Amended at 19 Ill. Reg. **10981**, effective JUL 14 1995)

Section 240.890 Crude Oil Spill Clean-up Requirements

- a) All crude oil spills, which occur after the effective date of this ~~rule~~ **November 8, 1993**, regardless of amount, from wells, flowlines, tanks, concrete storage structures, pits or containment dikes, shall as soon as practicable be contained using earthen dikes, booms and other containment measures to minimize the amount of area affected by the spill.
- b) Impounded free oil shall be picked up and put in lease storage tanks or removed from the site.
- c) Remaining oil on the land surface shall be removed using absorbent material, which shall be disposed in accordance with Section **240-950** **240.891** of this Part.
- d) In determining whether the Department will require additional remedial Cleanup action to be taken by the permittee, which may include

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flushing of the area with fresh water, the addition of organic material (e.g. peat moss, straw), additional chemical treatment and disk the soil, the following factors shall be taken into consideration based on information provided by the permittee upon the Department's request.

- de) If a spill leaves the immediate lease area and enters a public road ditch, visible oil-contaminated soil shall be removed from the roadside ditch, spread over the area affected by the spill and incorporated in accordance with Section **240-950** **240.891** of this Part.
- ef) If a spill enters surface waters, the spill shall be contained with booms and/or underflow dams and removed as expeditiously as possible. If it is determined that burning the oil-affected area will prevent further contamination of the surface waters, an emergency burn permit shall be sought from the IEPA, in accordance with Section **240-950** **240.891** of this Part.

(Source: Amended at 19 Ill. Reg. **10981**, effective JUL 14 1995)

Section 240.891 Crude Oil Spill Waste Disposal

- a) On Site Disposal of Contaminated Soil
- 1) The soil affected by a spill shall be at a minimum:
- A) fertilized with 5 pounds of 12-12-12 fertilizer or an amount of other fertilizer sufficient to treat the soil with 0.25 lbs of nitrogen per 100 square feet of affected area;
- B) limed with at least 50 lbs of agricultural grade lime per 100 square feet of affected area in order to maintain a pH of between 6-8; if the pH of the soil/oil mixture is less than 6, additional lime shall be incorporated to increase pH above 6;
- C) tilled to a depth of at least four (4) inches but no greater than twelve (12) inches to create a soil and crude oil mixture which is less than 5% total petroleum hydrocarbon (TPH) as determined using Environmental Protection Agency Method 418.1;
- D) watered to maintain soil moisture sufficient to promote plant growth (if extremely dry soil conditions exist); and
- E) stabilized to minimize erosion and run-off of stormwater.
- 2) If the soil in the affected area is frozen or previously saturated due to rain or snow melt, prohibiting compliance with subsection (a)(1)(A) through (D) above, the permittee shall stabilize the area to prevent any surface run-off from leaving the affected area until conditions permit compliance with subsection (a)(1)(A) through (D) above.
- 3) The soil affected by the spill may be required to be tested by the Department one year later using Environmental Protection Agency Method 418.1. The soil and crude oil mixture must be less

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than 1% total petroleum hydrocarbon (TPH).

- b) Contaminated soils removed from the site for off-site disposal shall be disposed of at an Environmental Protection Agency permitted special waste landfill, waste treatment or disposal facility.

c) Contaminated Absorbent Materials

- 1) Off-site disposal
- All non-organic/non-biodegradable absorbent materials and all organic/biodegradable materials in excess of five hundred (500) cubic feet shall be disposed of at an Environmental Protection Agency permitted non-hazardous special waste landfill, waste treatment or disposal facility. Organic/biodegradable materials amounting to less than five hundred (500) cubic feet may be disposed of at a permitted non-hazardous special waste landfill or disposed of in accordance with subsection (c)(2)(B) below.

2) On-site disposal

- A) On-site disposal of non-organic/non-biodegradable absorbent materials is prohibited. These materials must be removed in accordance with subsection (b)(1) above.
- B) On-site disposal of less than five hundred (500) cubic feet of organic/biodegradable absorbent materials through landspreading is permitted if it involves only materials generated at the site.
- C) Landspreading absorbent materials shall comply with subsection (a) above.

d) Emergency Burning

- 1) Open burning of spilled crude oil and/or absorbent material is permitted when imminent weather conditions threaten to further contaminate surface waters or immediate collection for disposal is impractical.
- 2) Burning shall only be permitted when conditions will not cause the burn to affect nearby residences or the visibility on nearby roads.
- 3) Approval must be received from the Illinois Environmental Protection Agency prior to the emergency burn, and appropriately designated Illinois Department of Mines and Minerals personnel must be on the scene throughout the burn.
- 4) The local fire department shall be notified, if the burn is near a town or city.
- 5) A report must be filed with the Illinois Environmental Protection Agency within ten (10) days after the burn, indicating:
- A) the place and time of the burn;
- B) the quantity burned;
- C) meteorological conditions; and
- D) the reason the emergency burn was necessary.

(Source: Added at 19 Ill. Reg. 10981, effective JUL 14 1995)

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Section 240.895 Produced Water Spill Clean-Up Requirements

- a) All spills of produced water, which occur after the effective date of this Section November 8, 1993, from wells, flowlines, pits, concrete storage structures, tanks or containment dikes, shall as soon as practicable be contained using earthen dikes and other containment measures to minimize the amount of area affected by the spill.
- b) All impounded produced water shall be picked up and removed from the site for disposal into a Class II UIC well. The area shall then be immediately flushed with fresh water in an amount equal to the spill.
- c) In determining whether the Department will require additional remedial cleanup action to be taken by the permittee, which may include additional flushing of the area with fresh water, the addition of organic material (e.g. peat moss, straw), additional chemical treatment and diskings of the soil, the following factors shall be taken into consideration based on information provided by the permittee upon the Department's request:
- 1) the quantity and areal extent of the spill;
 - 2) the chloride content of the spill material;
 - 3) the nature and chloride content of the soil;
 - 4) the flow capacity of affected waterways; and
 - 5) the public safety; and
 - 6) the proximity of domestic or livestock fresh water supplies.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

SUBPART I - LIQUID OIL FIELD WASTE-AND-SPILLS-RELATED WASTE HANDLING AND DISPOSAL

Section 240.930 Produced Water

- a) All produced water collected for temporary storage shall be placed in tanks or permitted concrete storage structures in accordance with Subpart H of this Part. Containment dikes around tanks shall not be used for storage of produced water.
- b) Except as provided in subsection (c) below, all produced water shall be transported by flowlines or a licensed liquid oilfield waste hauler to a permitted Class II UIC well for disposal.
- c) Produced water shall not be disposed of into any river, stream, lake, pond, surface water or water drainage way or onto the land surface unless an NPDES or surface discharge application permit has been obtained from the Illinois Environmental Protection Agency ("IEPA").

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.940 Crude Oil Bottom Sediments

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- a) Crude oil bottom sediments removed from tanks, concrete storage structures and pits on a lease or unit can be transported by a permitted liquid oilfield waste hauler to an Illinois Environmental Protection Agency (IEPA) licensed special waste landfill, to an IEPA licensed land off-site treatment facility, to a class II injection well for disposal or to a crude oil bottom sediment recycling facility; or
- b) Bioremediated on-site through land spreading and chemical treatment is allowed under an IEPA waste disposal permit.
- bc) Crude oil bottom sediments removed from tanks, pits or concrete storage structures on a lease or unit can only be used for road oiling on the lease or unit where the sediments were generated under the following conditions:
- 1) The permittee shall apply for and receive a lease road oiling permit for each lease or unit from the Department on a form prescribed by the Department prior to oiling any lease road.
 - 2) Application for a lease road oiling permit shall include:
 - A) the location of the lease or unit;
 - B) the permittee's name and address;
 - C) the method to be used for application of the bottom sediments;
 - D) a map showing the lease roads to be oiled and the location of any surface waters on or immediately adjacent to the lease or unit; and
 - E) written consent from the current surface owner or owners allowing the bottom sediment application.
 - 3) Upon approval, crude oil bottom sediment shall be applied to lease roads in such a fashion as to avoid run-off during application onto immediately adjacent land areas. Immediately following completion of the application, all liquids shall be incorporated or otherwise absorbed into the soil with no visible free standing oil.
 - 4) No lease road shall be oiled more than twice yearly.
 - 5) Lease road oiling shall not be conducted when the ground is frozen or during rainy weather and shall not be allowed in areas subject to frequent flooding.
 - 6) Crude oil bottom sediments used for lease road oiling shall not have a produced water content of greater than 10% free water by volume.
 - 7) Lease road oiling permits shall be issued for each lease or unit and shall be valid for as long as the lease or unit is active and the provisions of this Section are complied with.

(Source: Amended at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

Section 240.950 Crude Oil Spill Waste Disposal (Repealed)

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- a) Contaminated Soil
- 1) The soil affected by a spill shall be:
 - A) fertilized with 5 pounds of 12-12-12 fertilizer or an amount of other fertilizer sufficient to treat the soil with 0.25 lbs. of nitrogen per 100 square feet of affected area;
 - B) tilled with at least 50 lbs. of agricultural grade lime per 100 square feet of affected area in order to maintain a pH of between 6.0; if the pH of the soil or mixture is less than 6, additional lime shall be incorporated to increase pH above 6;
 - C) tilled to a depth of at least four (4) inches but no greater than twelve (12) inches to create a soil and crude oil mixture which is less than 5% total petroleum hydrocarbon (TPH) as determined using Environmental Protection Agency Method 410-17;
 - D) watered to maintain soil moisture sufficient to promote plant growth if extremely dry soil conditions exist; and
 - E) stabilized to minimize erosion and run-off of stormwater.
 - 2) If the soil in the affected area is frozen or previously saturated due to rain or snow melt, prohibiting compliance with subsection (a)(1)(A) through (B) above, the permittee shall stabilize the area to prevent any surface run-off from leaving the affected area until conditions permit compliance with subsection (a)(1)(A) through (B) above.
 - 3) The soil affected by the spill shall be tested one year later using Environmental Protection Agency Method 410-17. The soil and crude oil mixture must be less than 1% total petroleum hydrocarbon (TPH).
- b) Contaminated Absorbent Materials
- 1) Off-site disposal
 - A) All non-organic/non-biodegradable absorbent materials and all organic/biodegradable materials in excess of five hundred (500) cubic feet shall be disposed of at a permitted non-hazardous special waste landfill. Organic/biodegradable materials amounting to less than five hundred (500) cubic feet may be disposed of at a permitted non-hazardous special waste landfill or disposed of in accordance with subsection (b)(2)(B) below.
 - 2) On-site disposal
 - A) On-site disposal of non-organic/non-biodegradable absorbent materials is prohibited. These materials must be removed in accordance with subsection (b)(1) above.
 - B) On-site disposal of less than five hundred (500) cubic feet of organic/biodegradable absorbent materials through land spreading is permitted if it involves only materials generated at the site.
 - C) Landspreading absorbent materials shall comply with subsection (a) above.
 - c) Emergency Burning

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- 1) Open burning of spilled crude oil and/or absorbent material is permitted when imminent weather conditions threaten to further contaminate surface waters or immediate collection for disposal is impractical.
- 2) Burning shall only be permitted when conditions will not cause the burn to affect nearby residences or the visibility on nearby roads.
- 3) Approval must be received from the Department prior to the emergency burn, and Department personnel must be on the scene throughout the burn.
- 4) The local fire department shall be notified if the burn is near a town or city.
- 5) A report must be filed with the Illinois Environmental Protection Agency within ten (10) days after the burn, indicating:
- A) the place and time of the burn;
- B) the quantity burned;
- C) meteorological conditions; and
- D) the reason the emergency burn was necessary.

(Source: Repealed at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

Section 240.1000 Definitions

Vacuum means pressure which is reduced below the pressure of the atmosphere.

(Source: Added at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

Section 240.1005 Requirements for Use of Vacuum Pumps Applicability

The provisions of this Subpart apply to vacuum pumps or other devices used on oil and gas production wells for creating a vacuum in any oil or gas well. Any well with a vacuum pump existing at the time of the adoption of these rules shall apply for a permit within six (6) months after adoption of the rules. The use of vacuum pumps or other devices for creating a vacuum or any oil or gas producing stratum is hereby prohibited until the owner or manager has complied with the following requirements:

(Source: Section repealed, new Section added at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

Section 240.1010 Application for Use of Vacuum Application for Vacuum Permit

On or before the date of filing an application by letter for use of vacuum on any leasehold the applicant shall notify by registered mail all other persons owning or managing producing oil or gas wells located within one-half (1/2) mile radius of the well or wells where the use

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of vacuum is proposed, and shall set out in the notice the proposed strata or formation and exact location of the well or wells to be affected by the application or use of such vacuum. The applicant shall submit proof of such notice with the application giving the names and addresses of all well owners or managers within such one-half (1/2) mile radius.

- a) No person shall use a vacuum device on any oil and or gas production well without a permit from the Department.
- b) Application for a permit to use a vacuum device shall be made on forms prescribed by the Department and executed under penalties of perjury.
- c) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the deficiency of the application, and shall advise the applicant that the application will be deemed denied unless the required information or documents are submitted within sixty (60) days following the date of notification.

(Source: Section repealed, new Section added at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

Section 240.1020 Notice and Hearing on Application Contents of Application

- a) On receipt of such application and proof of notice, the Mining Board shall hold the same for ten (10) days pending the filing of objections, and if none is received at the end of such period, the application may be approved by the Mining Board.
- b) In event objection is made by the owner or manager of any well or wells producing from the same formation, which are located within one-half (1/2) mile radius of the proposed vacuum installation, and the Mining Board deems a hearing shall be had, notice shall be given to each objector and the applicant of the time and place designated by the Mining Board for such hearing.

The application for a permit to use a vacuum device on a production well shall include:

- a) the name and address of the Permittee;
- b) the name of the well;
- c) the legal location of the well;
- d) the names and depths of the formations subject to a vacuum;
- e) a map showing:
- 1) the boundaries of the leasehold or enhanced oil recovery unit in which the vacuum device will be located;
 - 2) the exact location of the well on which the vacuum device will be installed;
 - 3) the location of all unplugged production wells on the lease or unit;
 - 4) the names of all permittees of producing lease holds within 1/4

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mile of the well on which the vacuum device will be located; and
 5) the location of all offset production wells located within 1/4 mile of the well on which the vacuum device will be located.
 6) Submit evidence of Notice required under Section 240.1040.

(Section repealed, new Section added at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

Section 240.1030 Mining--Board--Authority Authority of Person Signing Application

a) ~~The Mining Board shall have authority after notice and hearing to prohibit vacuum or to deny or revoke permission for the use of vacuum when in its judgment there is danger of underground waste.~~
 b) ~~The Mining Board shall have authority to grant permission when it believes a further recovery of oil can be obtained by use of vacuum without danger of underground waste.~~

a) The application for a vacuum permit shall identify whether the applicant is an individual, partnership, corporation or other entity, and shall contain the address and signature of the owner or person authorized to sign for such owner.

b) If the owner is an individual, the application shall be signed by the individual. If the owner is a partnership, the application shall be signed by a general partner. If the owner is a corporation, the application shall be signed by an officer of the corporation.

c) In lieu of the signature of the owner or such authorized person, the application may be signed by a person having a power of attorney to sign for such owner or authorized person, provided a certified copy of the power of attorney is on file with the Department or accompanies the application.

d) The entity or person to whom the permit is issued shall be called the Permittee and shall be responsible for all regulatory requirements.

e) If the applicant is a corporation, the charter must authorize the corporation to engage in the permitted activity, and the corporation must be incorporated or authorized to do business in the State of Illinois.

(Source: Section repealed, new Section added at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

Section 240.1040 Notice and Hearing

a) On or before the date of filing a Vacuum Permit application with the Department, the applicant shall notify, by Certified Mail -- return receipt requested, all other permittees operating oil or gas production wells within a 1/4 mile radius of the well where the use of vacuum is proposed.

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b) The Notice shall contain:
 1) Name and depths of the formations on which vacuum will be applied;

2) the exact location of the well or wells to be affected by the use of such vacuum;

3) the address and telephone number of the Oil and Gas Division of the Department; and

4) a statement that the public has fifteen (15) days, from the date postmarked on the Notice, to comment on the application and that comments must be made in writing to the Department.

c) Objections

If a written objection to the application is filed within fifteen (15) days after the date postmarked on the Notice, the Department shall consider the objection in determining whether the permit should be issued. If the objection raises a factual or legal question regarding the sufficiency of the application in meeting the requirements for a permit or presents data indicating correlative rights may not be protected, the permit objection shall be set for a public hearing. A hearing shall be set only after all other requirements for issuance of the permit have been fulfilled.

d) Public Hearing

1) Any public hearing held pursuant to subsection (c) above shall be conducted by the Department solely for the purpose of resolving the factual, legal or correlative rights questions raised by the objection;

2) notice of the hearing shall be sent by the Department to the applicant and to the objector by mailing such notice by United States mail, postage prepaid, addressed to their last known home address;

3) a certified court reporter shall record the hearing at the Department's expense;

4) a Hearing Officer designated by the Department shall conduct the hearing. The Hearing Officer shall allow all parties to the hearing to present evidence in any form, including by oral testimony or documentary evidence, unless the Hearing Officer determined such evidence is irrelevant, immaterial, unduly repetitious, or of such nature that reasonably prudent members of the public or people knowledgeable in the oil and gas field would not rely upon it in the conduct of their affairs;

5) the Hearing Officer shall have the power to continue the hearing or to leave the record open for a certain period of time in order to obtain or receive further relevant evidence;

6) after receipt of the transcript of the hearing, the Department shall render a decision on the objection.

(Source: Added at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

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Section 240.1050 Issuance of Permit

- a) If the applicant satisfies the requirements of the Act and Rules, the Department shall issue a permit fifteen (15) days after the postmark date on the Notice sent to adjacent Permittees in accordance with 240.1040(a) of this Subpart.
- b) A permit shall not be issued where a final administrative order of the Department is outstanding against the applicant or against a person or permittee who is an officer, director, partner or owner of more than a 5% interest of the applicant.
- c) Permits are valid for the life of the well and are automatically transferred when the well is transferred in accordance with Subpart N.
- d) A permit shall not be issued if after notice and hearing the Department determines the issuing of a vacuum permit will not protect the correlative rights of adjacent permittees.
- e) If through field investigation by the Department, or upon written request by a Permittee within 1/4 mile of an existing well with a vacuum permit, the Department determines correlative rights of adjacent permittee are not a protected, the existing permit may be revoked after hearing and notice in accordance with Section 240.1030(d) of this Subpart.

(Source: Added at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1060 Permit Amendments

- a) The permittee shall not expose an unpermitted reservoir to vacuum without obtaining a permit amendment from the Department.
- b) The permittee shall make application for an amendment on a form prescribed by the Department.
- c) The permittee shall be in compliance with Section 240.1040 of this Subpart prior to issuance of the Permit Amendments.

(Source: Added at 19 Ill. Reg. 10981, effective JUL 14 1995)

SUBPART K - PLUGGING OF WELLS

Section 240.1110 Definitions

For the purpose of this Subpart, the term:

"Cased Well" means a well in which production casing has been set.

"Cement" means class A neat cement with a minimum weight of fifteen and six tenths (15.6) pounds per gallon, unless the cement contains additives which improve the ability of the cement to provide necessary

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protection and which maintains a minimum compressive strength of 500 PSI after 72 hours.

"Circulation Method" means placement of cement used in plugging a well by circulating cement through a pipe set at a specified depth in the well.

"Dump Bailer Method" means placement of cement used in plugging a well by using a dump bailer on a wire line.

"Inactive Well" means a well that has ceased operation for a period of up to twenty-four (24) consecutive months.

"Mechanical Plug" means a cast-iron-bridge-plug-or-retrievable-plug-

"Mud" means a drilling mud with a minimum Marsh Funnel viscosity of forty-five (45) seconds. Mud may contain water (fresh or brine), Bentonite, Attapulgate or other additives if they do not reduce the viscosity below forty-five (45) seconds.

"Plugging Fluid Waste" means plugging fluids, including cement, that are generated from the well during plugging activities.

"Uncased Well" means a well in which production casing has not been set.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1130 Plugging or Temporary Abandonment of Inactive Wells and Certain Class II UIC Wells

- a) Any inactive well which has not been in operation for 24 consecutive months shall be deemed abandoned, in accordance with Section 240.1600(c) of this Part, and plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned in accordance with subsection (d) below.
- b) Any Class II UIC well(s) without tubing and packer shall be plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned in accordance with subsection (d) below.
- c) The permittee may request temporary abandonment status by making written application on forms provided by the Department. The Department shall place the well on temporary abandonment status and issue a Future Use Permit, if the well meets the following conditions (which shall be continuing requirements):
 - 1) The well shall have proper bond in effect in accordance with the Act, the permittee must not be delinquent in payment of any annual well fee assessment, and any final administrative decision

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of-the-Act-relating-to-the-well-must-be-abated-

2) The well shall have an intact leak free wellhead or be capped with a valve, and configured to monitor casing or annual pressure.

3) If the well is an injection well, all injection lines shall be disconnected at the well.

4) If the well is a permitted gas well and the well has a sustained gas pressure at the surface, the requirements of (c)(6) and (7) below do not apply.

45) The wellhead shall be above ground level.

56) The fluid level is no higher than one hundred (100) feet below the base of the fresh water as evidenced by an annual fluid level test conducted by the permittee after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted annually during the period of temporary abandonment unless the permittee elects to satisfy the requirements of subsection (6)(7)(B) or (C) below.

67) If the fluid level, as tested, is higher than one hundred (100) feet below the base of the fresh water, the permittee, under the supervision of the Department, shall:

A) set a mechanical-bridge cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the casing, but no less than 100 feet below the base of the fresh water, remove any fluid to a level at least 100 feet below the base of the fresh water zone, and monitor the fluid level annually in accordance with subsection (5) (6) above; or

B) set a mechanical-bridge cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the casing, but no less than 100 feet below the base of the fresh water, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes at least once every five (5) years during any period of temporary abandonment; or

C) install tubing and set a packer in accordance with the requirements of Section 240.740, and conduct and pass an internal mechanical integrity test in accordance with Section 240.760 of this Part.

d) If temporary abandonment request is denied, the permittee shall, within ninety (90) days, plug the well or secure temporary abandonment status.

e) Temporary abandonment status shall be granted for a five (5) year period. After the expiration of the five (5) year period, temporary abandonment status shall be granted on an annual basis. Temporary

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abandonment status shall not be extended or renewed for a Class II UIC well unless the well is tested in accordance with Section 240.760 of this Part.

f) A temporarily abandoned well shall not be operated until it is reactivated by notifying the Department on a form prescribed by the Department. In addition, if the well is an injection or disposal well, the well shall not be reactivated until tubing and packer is set and an internal mechanical integrity test is passed in accordance with Section 240.760 of this Part.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1140 General Plugging Procedures and Requirements

a) Notification of District Office

The permittee shall contact the District Office at least twenty-four (24) hours prior to plugging a cased well, or as soon as possible after determination has been made to plug an uncased well.

b) Well Drilling and Construction Data

For all cased wells, the permittee shall have a well log and the well completion report at the site for review by the well inspector at the scheduled time of plugging. If the permittee cannot locate well logs or the well completion report, the permittee shall make available at the site copies of any logs and well construction records maintained by the Illinois State Geological Survey. For all uncased wells, all available drilling and well construction information shall be at the well site for review by the well inspector at the time of plugging.

c) Foreign Material Prohibited

1) Except for an unavoidable loss of drilling or logging tools or procuring equipment, placing or lodging any material or substance--other--than--those--authorized--to-be-used-in-plugging under--this--Subpart in an unplugged well to either fill or bridge the hole for the purpose of avoiding proper plugging procedures is prohibited.

2) Foreign materials which have been placed in the hole shall be removed before plugging operations are commenced.

d) Plugging A Bridged Well

When a well becomes plugged or obstructed because of the loss of drilling or logging tools or producing equipment, which would be impractical to remove, the Department may vary the plugging requirements of this Section and specify alternative plugging requirements. In determining whether to approve and in selecting alternative plugging requirements, the Department shall consider the time and cost of removing lost tools or equipment, the potential for damage to fresh water and coal seams and the depth of the lost tools or equipment in relation to the depth of fresh water zones and coal seams, and well construction characteristics.

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(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1985)

Section 240.1150 Specific Plugging Procedures

a) Circulation of Cement

Cement may be circulated from total depth or plugged back total depth to surface in lieu of the placing of plugs specified in subsection (b),(c) and (d) below, provided both the workable coal and the fresh water zones have been protected by cement in direct contact with both strata.

b) Producing Interval Plug

- 1) Cased Wells
 - A) When using the Circulation Method, a cement plug shall be placed opposite each perforated interval, and each interval that is exposed after removal of production casing which has produced oil or gas or into which injection is occurring within 1/4 mile radius of the well, and extend fifty (50) feet below the deepest perforated interval, total depth, or plugged back total depth, and extend to fifty (50) feet above the shallowest perforated interval or fifty (50) feet above the open hole interval.

- B) When using the Dump Bailer Method, a mechanical cast iron plug shall be set immediately above each perforated interval, and each interval that is exposed after removal of production casing which has produced oil or gas or into which injection is occurring within 1/4 mile radius of the well, and a minimum of ten (10) feet of cement shall be placed on top of each mechanical plug. As an alternative to setting a cast iron plug, a standard cement pump down plug can be placed in the well and a minimum of fifty (50) feet of cement placed on top of each plug. To insure the cement plug has been properly set, the cement plug shall be tagged after a minimum of two (2) hours. The use of the cement pump down plug is prohibited if the well is flowing fluid to the surface.

2) Uncased Wells

Wells shall be filled with mud before commencement of plugging operations and a cement plug shall be placed opposite any exposed interval which has produced oil or gas or into which injection is occurring within 1/4 mile radius of the well. The cement plug shall extend from 50 feet below the exposed zone to fifty (50) feet above the zone. The cement plug may be placed using either the circulation or dump bailer method.

- c) Coal plugs - A plug shall be placed across each workable coal seam in accordance with Section 240.1151 of this Part.

- d) Surface Plug - Surface casing shall not be pulled from any well and a cement plug shall be placed across the fresh water zones using either

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the circulation or dump bailer method as follows:

1) Wells with surface casing

- A) If surface casing extends fifty (50) feet below the fresh water zones with cement circulated to the surface, a cement plug shall be placed in direct physical contact with the strata and surface casing from twenty five (25) feet below the setting depth of the surface casing and extend to the surface. If production casing is left in the hole and there is no cement behind the production casing, cement shall be placed inside and outside of the production casing from twenty five (25) feet below the setting depth of the surface casing and extend to the surface. Cement shall be placed outside of the production casing by perforating the casing 25 feet below the setting depth of the surface casing and squeezing cement behind the production casing to the surface, or by inserting tubing down the backside of the production casing to a depth of 25 feet below the setting depth of the surface casing and circulating cement to the surface.

- B) If surface casing does not extend fifty (50) feet below the base of the fresh water zone, a continuous cement plug shall be placed in direct physical contact with strata from a depth of fifty (50) feet below the base of the fresh water zone to the surface. If production casing is left in the hole, and there is no cement behind the production casing, cement shall be placed inside and outside of the production casing from fifty (50) feet below the base of the fresh water zone and extend to the surface. Cement shall be placed outside of the production casing by perforating the casing 50 feet below the base of the fresh water zone and squeezing cement behind the production casing to the surface, or by inserting tubing down the backside of the production casing to a depth of 50 feet below the base of the fresh water and circulating cement to the surface.

- 2) Wells without a surface casing - A cement plug shall be placed from a depth of fifty (50) feet below the base of the fresh water zones to the surface.

e) Plugging Requirements for Wells with Uncemented Casings.

When the Department determines that the plugging procedures set forth in this Section cannot be followed due to well construction and the lack of cement behind the casings, the Department will authorize the following alternative plugging procedures:

- 1) the production casings shall be removed from a point at least fifty (50) feet below the base of the fresh water, the hole filled with mud, and a Surface Plug set in accordance with subsection (d) above;
- 2) if the production casings cannot be removed to a depth at least fifty (50) feet below the base of the fresh water, all casings

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contained within the outermost casing shall be removed to a depth at least fifty (50) feet below the base of the fresh water, and the outermost casing in direct contact with the borehole wall shall be perforated, ripped or parted at an interval 50 feet below the base of the fresh water to permit cement to infiltrate the annulus between the casing and the borehole wall. The hole shall be filled with mud, the perforated, ripped or parted interval shall be squeezed with cement, and a Surface Plug must be set in accordance with subsection (d) above.

- 3) if the well cannot retain mud because the producing interval takes fluid, the producing interval shall be covered with sand, crushed rock or other similar material to provide an anchor on which to place the column of mud, and the hole shall be filled with mud and a surface plug set in accordance with subsections, (e)(1) or (2) above.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

SUBPART N: TRANSFER OF OWNERSHIP

Section 240.1400 Definitions

As used in this Subpart:

- a) "Current Permittee" means the individual or entity required to hold the permit or to whom the permit has been issued and who is the owner of the right to drill and/or produce said well(s), possesses the full rights and responsibilities for operating the well(s) in accordance with all requirements of the Illinois Oil and Gas Act (225 ILCS 725 ["Act"]) and has the current obligation to plug said well(s), who is the assignor, transferor (whether voluntary or involuntary) or seller of the well or wells.
- b) "New Permittee" means the individual or entity acquiring the well or wells and the right to drill and/or produce said well(s), the full rights and responsibilities for operating the well(s) in accordance with the Act and the current obligation to plug said well(s), and who is required after-the-transfer to hold the permit.
- c) "New base lease", as used in this Subpart, refers to a lease executed by the mineral owner and new permittee for a tract of land containing production and/or injection wells previously operated pursuant to a lease held by the current permittee.
- d) "Operator" means the individual or entity controlling the right to drill and/or produce said well(s), has the full rights and responsibilities for operating the well(s) along with the obligation to ultimately plug said well(s) under an operating agreement with the owner(s) in interest.
- e) "Operating Agreement" means a written document which conveys or grants the right to drill and/or produce certain well(s), along with the full

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rights and responsibilities for operating the well(s) as well as the current obligation to plug said well(s); requires the transferee or grantee to comply with all requirements of the Act including the payment of annual well fees; and requires the transferee or grantee to add said well(s) to the Operator's Annual Well Fee listing with the Department of Mines and Minerals by becoming the Permittee for the well(s).

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1410 Applicability

- a) The provisions of this Subpart apply to all assignments, transfers (whether voluntary or involuntary) and sales of the interest of the individual or entity required to hold and to whom the permit is issued (Permittee), including:
- 1) a change of ownership of the right to drill and/or produce said well(s), along with the full rights and responsibilities for operating the well(s) in accordance with the Act and the obligation to ultimately plug said well(s) through assignment, voluntary release, corporate or other business takeover, buyout, merger or similar transaction, involuntary termination of lease rights by court order, new base lease, sale, gift, devise or other transfer; or
 - 2) a change in the designation of the operator or manager under an operating or other similar agreement in which the owner of the right to drill and/or produce said well(s), along with the full rights and responsibilities for operating the well(s) in accordance with the Act and the obligation to ultimately plug said well(s) assigns that right; or
 - 3) pursuant to the action of the owners of separate in-interest interests, and who designate an owner to be Permittee; or
 - 3)4) the appointment, by a court of competent jurisdiction, of a trustee or a receiver to exercise custody and control over the well or wells.
- b) The provisions of this Subpart shall not apply to the assignment, transfer or sale of royalty, overriding royalty or fractional working interests not affecting the rights or responsibilities of the permittee.
- c) The provision of this Subpart shall also apply to administrative record correction transfers initiated by the Department in which the Department transfers the permit to a well to the person who is required to be the permittee for that well under the Act.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

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Section 240.1430 Responsibilities of Current Permittee

The current permittee shall notify the Department of the assignment, transfer or sale, on a form prescribed by the Department unless the transfer was due to an involuntary termination of lease rights by court order. The new permittee shall notify the Department of an involuntary well transfer. A separate form shall be completed for each lease, well, or other unit assigned, transferred or sold. The notification shall be signed, under penalty of perjury, by the current permittee and by the new permittee, or their authorized representatives, and shall include:

- a) the names and addresses of the current permittee and the new permittee;
- b) the effective date of assignment, transfer or sale;
- c) copies of the lease assignment, voluntary release, court order, or involuntary terminating a lease, or other documents evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well or wells on the lands in question;
- d) the name, location, and permit number of all wells on the lease or other unit assigned, transferred or sold for which a permit has been issued; and
- e) the location of any wells on the lease or other unit assigned, transferred or sold known to the current permittee for which no permit has previously been issued.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1440 Responsibilities of New Permittee

Prior to the Department effecting the transfer, the new permittee shall:

- a) pay the required transfer fee;
- b) provide the required bond, if applicable, in accordance with Subpart O;
- c) if the new permittee is a corporation, provide evidence that the corporation is incorporated or authorized to do business in the State of Illinois, and authorized under its charter to engage in the permitted activity;
- d) if the new permittee is an individual, partnership, or other unincorporated entity that is not a resident of Illinois, provide an irrevocable consent to be sued in Illinois; and
- e) the new permittee shall submit to the Department a copy of the instrument conveying the right to drill and produce. The document shall consist of:
 - 1) a lease assignment properly recorded in the county where the lease is located;
 - 2) a voluntary release executed by the lessee and properly recorded in the county where the lease is located;
 - 3) a court order involuntarily terminating a lease; or

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- 4) any other document evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well(s) on the land in question. ~~if requested by the Department, provide copies of the lease assignment, voluntary release, court order, involuntary terminating a lease, or other documents evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well or wells on the lands in question.~~

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1460 Other Conditions for and Effect of Transfer

- a) No permit shall be transferred to a new permittee:
 - 1) who is delinquent in the payment of fees assessed under Section 19.7 of the Act;
 - 2) on account of whom any amounts have been obligated from the Plugging and Restoration Fund that have not been reimbursed; or
 - 3) against whom the Department has issued a final administrative decision that has not been abated or satisfied.
- b) When the requirements of this Subpart have been satisfied, and subject to subsections (d) and (e) below, the Department shall render permit transfer decisions based upon the manner in which the new permittee came into possession of the wells sought to be transferred. Specifically:
 - 1) a new permittee who is the mineral owner:
 - if the new permittee owns the mineral rights to the tract of land on which production or injection wells subject to a prior lease are located and came into possession of the right to operate such wells by virtue of a voluntary release or involuntary termination of lease rights by court order, this new permittee shall become responsible for all regulatory requirements relative to:
 - A) each production well identified in the new permittee's permit transfer application;
 - B) all wells in existence within the prior lease if the new permittee seeks to operate any of the injection wells located within this leasehold, convert any production well to an injection well or drill a new injection well; and
 - C) all pits, concrete storage structures, tank batteries and other surface production facilities in existence within the lease boundaries.
 - 2) the new permittee is a new base lessee:
 - if the new permittee came into possession of the right to operate wells by virtue of a new base lease, this new permittee shall become responsible for all regulatory requirements relative to the wells identified within the lease document except that:
 - A) if the new permittee shall also become responsible for all

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regulatory requirements relative to the wells identified within the notification of transfer form submitted in accordance with Section 240.1430 of this Part; and

- B) if the new base lease conveys the right to produce from all formations, and the new base lessee permits or operates any injection well located within the tract of land being leased, converts any production well to an injection well or drills a new injection well within this area, this new permittee shall become responsible for all regulatory requirements relative to all wells, concrete storage structures, pits and tank batteries in existence within such tract of land; or
- C) if the new base lease conveys the right to produce from specified formations only, and the new base lessee permits or operates any injection well located within the formations specified in the new base lease, converts any production well to an injection well or drills a new injection well to the specified formations, this new permittee shall become responsible for all regulatory requirements relative to all wells drilled to the same formation as the injection well, and all concrete storage structures, pits and tank batteries in existence relative to that formation.
- 3) a new permittee who is an assignee:
- if the new permittee came into possession of the right to operate wells by virtue of a lease assignment, this new permittee shall become responsible for all regulatory requirements relative to all wells, concrete storage structures, pits and tank batteries in existence within the lease hold being assigned.
- c) If any well, or any lease or other unit associated with the well, is in violation of the Act or rules at the time of the transfer to the new permittee. The new permittee shall be notified of its violations and the allotted time for abatement, at the time of transfer.
- d) The transfer of a permit pursuant to this Subpart shall not affect the rights of the Department, or any obligation or duty of the current permittee arising under the Act and rules. Any cause of action accruing or any action or proceeding had or commenced, whether administrative, civil or criminal, may be instituted or continued without regard to the transfer of the permit in accordance with this Subpart.
- e) A current or new permittee may request a hearing in accordance with Section 240.1490 to challenge a permit transfer. If such hearing is requested in writing within fifteen (15) days after the permit transfer is mailed, if no hearing is requested in this time period the permit transfer shall be a final administrative decision of the Department. If a hearing is requested by the current or new permittee the hearing shall be scheduled within fifteen (15) days after the receipt of the request for hearing.
- f) At the permit transfer hearing the Department shall present evidence

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in support of this determination under subsection (b) above. Both the current and the new permittee may present evidence contesting the Department's determination under subsection (b) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses and production of those materials, compel discovery and take evidence within thirty (30) days after the close of the record for the permit transfer hearing. The hearing officer shall issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1480 Administrative Record Correction Transfer

- a) The Department may administratively transfer a permit to a person required to be the permittee under the Act when the Department determines, based on its records and documents of title submitted to it, that the current permittee is not an owner of the well as defined in the Act.
- b) The new permittee must satisfy the requirements of Section 240.1440(b)(7) (c) and (d).
- c) Prior to operating the transferred wells the permittee must provide a bond in accordance with Section 240.1500(a)(1) and (2).
- ed) Upon determination of an Administrative Record Correction Transfer, the Department shall notify the current and new permittees of the transfer which will be effective 30 days from the date of notice unless a hearing is requested in accordance with subsection (d) Section 240.1490 below.
- d) A current or new permittee may request a hearing to challenge a pending permit transfer if such hearing is requested in writing within 30 days after the date of the transfer notice. All requests for hearing must be accompanied by documents evidencing basis for objection. If no hearing is requested in this time period, the permit transfer shall be a final administrative decision of the Department. If a hearing is requested by the current or new permittee:
- i) A pre-hearing conference shall be held within fifteen (15) days after the receipt of the request for hearing.
- At a pre-hearing conference shall be scheduled in order to:
- i) Simplify the factual and legal issues presented by the hearing request.
 - ii) Receive stipulations, admissions of fact and of the contents and authenticity of documents.
 - iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing.
 - iv) Set a hearing date and

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v) Discuss--and resolve--such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

B) Pre-hearing conferences may be held by telephone--conference if such procedure is acceptable to all parties.

2) All hearings under this Subpart N shall be conducted in the Department's offices located at 300 West Jefferson Street, Suite 300, Springfield, Illinois.

e) At the permit transfer hearing, the Department shall present evidence in support of its determination under subsection (a) above. Both the current and the new permittee may present evidence contesting the Department's determination under subsection (a) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel discovery, and take evidence production of those materials, compel discovery, and take evidence. Within thirty (30) days after the close of the record for the permit transfer hearing, the hearing officer shall issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

g) The person or permittee's failure to request a hearing in accordance with subsection (c) shall constitute a waiver of all legal rights to contest the permit transfer decision. Within 30 days after the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative decision pursuant to Section 10 of the Act.

h) The Director shall review the administrative record in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1490 Transfer Hearings

a) A current or new permittee may request a hearing to challenge a permit transfer if such hearing is requested in writing within 30 days of the date of the transfer notice. All requests for hearing must be accompanied by documents evidencing basis for objection. If no hearing is requested in this time period, the permit transfer shall be a final administrative decision of the Department. If a hearing is requested by the current or new permittee:

1) A pre-hearing conference shall be held within fifteen (15) days of the receipt of the request for hearing.

A) A pre-hearing conference shall be scheduled in order to:

i) Simplify the factual and legal issues presented by the

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hearing request:

ii) Receive stipulations, admissions of fact and of the contents and authenticity of documents;

iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;

iv) Set a hearing date; and

v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.

2) All hearings under this Subpart N shall be conducted by an impartial hearing officer not employed by the Department and shall be held in the Department's offices located in Springfield, Illinois.

b) At the permit transfer hearing, the Department shall present evidence in support of its determination under subsection (a) above. Both the current and the new permittee may present evidence contesting the Department's determination under subsection (a) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.

c) Within thirty (30) days after the close of the record for the permit transfer hearing, the hearing officer shall issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

d) The person or permittee's failure to request a hearing in accordance with subsection (c) shall constitute a waiver of all legal rights to contest the permit transfer decision. Within 30 days of the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

e) The Director shall review the administrative record in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

(Source: Added 19 Ill. Reg. 10981, effective JUL 14 1995)

SUBPART O - BONDS

Section 240.1500 When Required, Amount and When Released

a) To Drill, Deepen, Convert or Operate an Oil or Gas Well

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- 1) A bond, in the amount as herein provided, shall be submitted along with an application to drill, deepen, convert, operate or transfer a production or Class II well if:
 - A) such applicant was not an owner of the right to drill and produce in a well of record with the Department on September 26, 1991; or
 - B) such applicant was not a permittee of record on September 26, 1991; or
 - C) such applicant has had a bond forfeited; or
 - D) such applicant was not assessed an annual well fee as of July 1 preceding preceding the application date; or
 - E) the Department has issued a final unappealed administrative decision citing the applicant for failing to pay fees assessed under Section 19.7 of the Act. Such applicant has had wells plugged by the Department using funds from the Plugging and Restoration Fund.
- 2) When a bond is required to be filed with the Department to drill, deepen, convert or operate an oil or gas well, the amount of the bond shall be:
 - A) \$1,500 for a well less than 2000 feet deep;
 - B) \$3,000 for a well 2,000 or more feet deep;
 - C) \$25,000 for up to 25 wells of a permittee;
 - D) \$50,000 for up to 50 wells of a permittee; or
 - E) \$100,000 for all wells of a permittee.
- 3) A bond submitted pursuant to Section 240.1500(a) shall be released when:
 - A) all wells covered by the bond are plugged and restored in accordance with Subpart N of these rules; or
 - B) all wells covered by the bond are transferred in accordance with Subpart N of these rules; or
 - C) the permittee has paid assessments to the Department in accordance with Section 19.7 for two (2) consecutive years and such permittee is not in violation of the Act.
- b) To Operate a Liquid Oil Field Waste Transportation System
The amount of bond required to be filed with the Department before a permit is issued authorizing a person to operate a liquid oil field waste system shall be \$10,000. When requested by permittee, bond shall be released when the permittee ceases operation and this system and such permittee's system is not in violation of the Act.
- c) To Drill a Test Hole
The amount of bond required to be filed with the Department before a permit is issued to drill a geological structure, coal or other mineral test hole, or a monitoring well in connection with any activity regulated by the Department shall be \$2500 for each hole or a blanket bond of \$25,000 for all holes. The bond requirements of this Subpart shall not apply to a hole or well drilled on acreage permitted and bonded under the Surface-Mined Land Conservation and Reclamation Act (Rev. Stat. 1991-ch. 96-1/2-par. 4501-et-seq.) [225 ILCS

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715] or the Surface Coal Mining Land Conservation and Reclamation Act (Rev. Stat. 1991-ch. 96-1/2-par. 7901-et-seq.) [225 ILCS 720]. When requested by permittee, bonds shall be released when the hole or holes are plugged and restored in accordance with Section 240.1260 and the permittee is not in violation of the Act.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1520 Bond Requirements

- a) Form
Bonds shall be in such form and content as the Department prescribes, payable to the "Illinois Department of Mines and Minerals."
- b) Conditions Generally
 - 1) Each bond shall conform with the requirements of the Act and this Part and with the declared purpose for which the bond is required.
 - 2) Bonds shall remain in effect until the obligations for which it is given have been satisfied and the bond has been released by the Department, pursuant to the Act and this Subpart.
- c) Surety Bond Requirements
 - 1) Bonds shall be signed by the permittee as principal, and by a good and sufficient corporate surety, authorized to transact business as a surety in Illinois.
 - 2) Each surety bond shall provide that the bond shall not be cancelled by the surety except after not less than ninety (90) days notice to the Department. Such notice shall be served upon the Department in writing by registered or certified mail to the following address: Department's Springfield Offices.
 Illinois-Department-of-Mines-and-Minerals
 Oil-and-Gas-Division
 300-West-Jefferson-Suite-300
 P.O.-Box-10140
 Springfield-Illinois-62791-0140
- 3) Prior to the expiration of the ninety (90) days notice of cancellation, the permittee shall deliver to the Department a replacement bond. If such bond is not delivered, all activities covered by the permit and bond shall cease at the expiration of the ninety (90) day period.
- 4) If the license to transact business in Illinois of any surety upon a bond filed with the Department shall be suspended or revoked, the permittee, within thirty (30) days after receiving notice thereof from the Department, shall make substitution by providing a surety bond or other security as required by this Subpart. Upon the failure of the permittee to make the substitution of bond, all activities covered by the permit and bond shall cease until substitution has been made.

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d) Other Securities Requirements

- 1) Letters of credit shall be subject to the following conditions:
 - A) The letter may only be issued by a bank organized or authorized to do business in the United States ("issuing bank"). If the issuing bank does not have an office for collection in Illinois, there shall be a confirming bank designated that is authorized to accept, negotiate and pay the letter upon presentation in Illinois.
 - B) Letters of credit shall be irrevocable during their terms. A letter of credit shall be forfeited and shall be collected by the Department if not replaced by other suitable bond or letter of credit at least thirty (30) days before its expiration date.
 - C) The letter of credit shall be payable to the Department upon demand, in part or in full, upon receipt from the Department of a notice of forfeiture issued in accordance with Section 240.1530.
 - D) The Department shall not accept a letter of credit in excess of ten percent (10%) of the issuing bank's total capital and surplus accounts, as certified by the President of the bank providing the letter of credit and as evidenced by the most recent quarterly Call Report provided to the Federal Deposit Insurance Corporation.
 - E) The letter of credit shall provide on its face that the Department, its lawful assigns, or the attorneys for the Department or its assigns, may sue, waive notice and process, appear on behalf of, and confess judgment against the issuing bank (and any confirming bank) in the event that the letter of credit is dishonored. The letter of credit shall be deemed to be made in Sangamon County, Illinois, for the purpose of enforcement and any actions thereon shall be enforceable in the ~~Courts~~ Courts of Illinois, and shall be construed under Illinois law.
- 2) Certificates of deposit shall be subject to the following conditions:
 - A) The Department shall require that certificates of deposit be made payable to or assigned to the Department both in writing and upon the records of the bank issuing the certificates. If assigned, the ~~Department~~ Department shall require the banks issuing these certificates to waive all rights of setoff or liens against those certificates.
 - B) The Department shall not accept an individual certificate of deposit in an amount in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
 - C) Any interest accruing on a certificate of deposit shall be for the benefit of the permittee except that accrued

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interest shall first be applied to any prepayment penalty when a certificate of deposit is forfeited by the Department.

- D) The certificate of deposit, if a negotiable instrument, shall be placed in the Department's possession. If the certificate of deposit is not a negotiable instrument, a withdrawal receipt, endorsed by the permittee, shall be placed in the Department's possession.

3) Cash accounts shall be subject to the following conditions:

- A) The Department may authorize the permittee to supplement the bond through the establishment of a cash account in one or more federally-insured or equivalently protected accounts made payable upon demand to the Department.
- B) Any interest paid on a cash account shall be returned to the permittee.
- C) The Department shall not accept an individual cash account in an amount in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1530 Forfeiture of Bonds

- a) A permittee's failure to comply with the Department's order to plug, replug or repair a well, or to restore a well site, within thirty (30) days of the issuance of such order constitutes grounds for bond forfeiture, pursuant to Sections 6 and 19.1 of the Act ~~4111-Rev-Stat-1989-CH-96-172-PARS-5409--and--5426~~ [225 ILCS 725/6 and 19.1].
- b) The Department shall send written notification by certified mail, return receipt requested, to the permittee and the surety on the bond, if any, informing them of the determination to forfeit the bond pursuant to subsection (a) above.
- c) The Department may allow a surety to undertake necessary plugging, replugging, repair or site restoration work if the surety can demonstrate an ability to complete such work in accordance with the requirements of the Act. No surety liability shall be released until the successful completion of all plugging, replugging, repair or site restoration ordered by the Department.
- d) In the event forfeiture of the bond is warranted by subsection (a), the Department shall afford the permittee the right to a hearing, if such hearing is requested in writing by the permittee within fifteen (15) days after the bond forfeiture notification is mailed in accordance with subsection (b). If the permittee does not request a hearing within the fifteen (15) day period, the Department shall issue a final administrative decision ordering forfeiture. If a hearing is

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requested by the permittee, the hearing shall be held scheduled within fifteen (15) days of the receipt of the request for hearing, and shall be conducted by an impartial hearing officer not employed by the Department.

- e) At the bond forfeiture hearing, the Department shall present evidence in support of its determination under subsection (a). The permittee shall present evidence contesting the Department's determination under subsection (a). The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.
- f) Within thirty (30) days after the close of the record for the bond forfeiture hearing, the hearing officer shall issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.
- g) The Director shall review the administrative record in a contested case, in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1640 Repayment of Funds

- a) The permittee must reimburse the Plugging and Restoration Fund for all funds obligated from the plugging and Restoration Fund for repair, plugging or restoration work on the permittee's wells or sites, together with all interest accrued, as provided under Section 19.9 of the Act.
- b) Prior to repayment of all funds, the permittee shall not operate any other existing wells in the permittee's name.
- c) After repayment of all funds, the permittee shall post a bond in accordance with Section 240.1500(a)(1)(E) and (a)(2) prior to permitting or operating any wells.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

SUBPART Q: ANNUAL WELL FEES

Section 240.1700 Fee Liability

- a) The Department shall assess fees during each calendar year for all permits of record as of July 1, including wells reported to be transferred pursuant to Subpart N but not yet approved for transfer by

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the Department. The permittee for each well is responsible for paying these annual fees in the amounts specified in Section 240.1705 below.

b) The permittee remains liable for the payment of such fees until:

- 1) the well or wells under permit to the permittee are plugged and restored; or
- 2) the well or wells have been transferred to a new permittee pursuant to Subpart N.
- c) Liability for annual well fees ceases on the date when the well has been plugged and restored or on the effective date stated on the Department's Notification of Transfer Form.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1710 Annual Permittee Reporting

- a) Permittees are required to submit, on a form prescribed by the Department, an annual verification of address and status.
- b) The form shall contain reports for information on Permittees:
- 1) current address;
 - 2) verification of well ownership;
 - 3) type of business entity and supporting documentation;
 - 4) FEIN; and
 - 5) names and addresses of principals, officers or owners.
- c) Forms shall accompany the Annual Well Fee payment and shall be submitted by September 1 of each year.
- d) If a permittee did not submit an annual verification of address and status form during the most recent annual fee payment period, a reporting form is required at the time of all well permit and transfer requests.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1740 Delinquent Permittees

Fees not received by November 1, of each year, shall be deemed delinquent and the wells covered by the fees shall be determined to be abandoned in accordance with Section 240.1600 and subject to plugging in accordance with Section 240.1610. A permittee is responsible for paying annual well fees for all wells permitted with the Department on July 1 of each year including wells requested to be transferred pursuant to Subpart N but not yet approved for transfer by the Department.

(Source: Amended at 19 Ill. Reg. 10981, effective JUL 14 1995)

Section 240.1820 Permit Requests in a Underground Gas Storage Field

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a) When the proposed location to drill, deepen, or convert or amend an oil or gas production or Class II well, as defined in Subparts B and C, or a Test Hole, as defined in Subpart L, occurs within the limits of an Underground Gas Storage Field, or within any protective boundary shown on the Gas Storage Operators map submitted to the Department, a permit shall not be issued until the applicant complies with subsections (a)(1) or (2) below:

- 1) Enters into an agreement with Gas Storage Operator, outlining safety precautions and well drilling, completion, operating and plugging specifications. The agreement shall be signed by the applicant and the Gas Storage Operator. Agreement shall be submitted with the permit application.
- 2) Submits a copy of an agreement previously reached with the Gas Storage Operator which outlines safety precautions and well drilling, completion, operating and plugging specifications. The agreement must be in full effect and cover the proposed drilling location.
- 3) If an agreement cannot be reached after the applicant has exercised due diligence in negotiations, the applicant shall notify the Gas Storage Operator of the proposed location and depth of the well by certified mail, return receipt requested. The certified mail receipt shall be attached to the permit application. If a written objection is not received by the Department within fifteen (15) days after the date of receipt the permit shall be issued. If a written objection to the application is filed with the Department within fifteen (15) days after receipt of the notice of application, the Department shall consider the objection in determining whether the permit should be issued. If the objection raises a question regarding public safety, resource ownership or sufficiency of application, the permit objection shall be set for a public hearing. A hearing shall be set only after all other requirements for issuance of the permit have been fulfilled.

b) Public Hearing

- 1) Any public hearing held pursuant to this Section shall be a formal hearing conducted by the Department solely for the purpose of resolving the factual or legal question raised by the objection.
- 2) Notice of the hearing shall be sent by the Department to the applicant and to the objector by mailing such notice by United States mail, postage prepaid, addressed to their last known home or business address.
- 3) A certified court reporter shall record the hearing at the Department's expense.
- 4) A Hearing Officer designated by the Department shall conduct the hearing. The Hearing Officer shall allow all parties at the hearing to present evidence in any form, included by oral testimony or documentary evidence, unless the Hearing Officer

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determines such evidence is irrelevant, immaterial, unduly repetitious, or of such such a nature that reasonably prudent members of the public or people knowledgeable in the oil and gas field would not rely upon it in the conduct of their affairs.

- 5) The Hearing Officer shall have the power to continue the hearing or to leave the record open for a certain period of time in order to obtain or receive further relevant evidence.
- 6) Within thirty (30) days after the closing of the record or the receipt of the transcript of the hearing, whichever comes later, the Department shall render a decision on the objection.

(Source: Amended at 19 Ill. Reg. **10981**, effective **JUL 14 1995**)

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1) Heading of the Part: Definitions and General Provisions2) Code citation: 35 Ill. Adm. Code 2113) Section numbers: Adopted action:

211.7150 Amended

4) Statutory authority: 415 ILCS 5/9, 9.1, 10, 27 and 28.5.5) Effective date of amendments: July 12, 19956) Does this rulemaking contain an automatic repeal date? No.7) Do these amendments contain incorporations by reference? No.8) Date filed in Board's principal office: Order adopted July 7, 1995.9) Notice of proposal published in Illinois Register: May 12, 1995, 19 Ill. Reg. 6430

10) Has JCAR issued a Statement of Objections to these rules? No. This rulemaking is mandated by Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e) (1992)]. Section 9.1(e) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35 & 5-40 (1992)] do not apply to this proceeding. Because it is not subject to Section 5 of the APA, this rulemaking is not subject to First Notice and Second Notice review by the Joint Committee on Administrative Rules.

11) Differences between proposal and final version: None.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? This rulemaking is mandated by Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e) (1992)]. Section 9.1(e) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35 & 5-40 (1992)] do not apply to this proceeding. Because it is not subject to Section 5 of the APA, this rulemaking is not subject to First Notice and Second Notice review by the Joint Committee on Administrative Rules.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion of July 7, 1995 in R95-2, which opinion

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is available from the address below.

This proceeding updates the definition of 35 Ill. Adm. Code 211.7150 to reflect the most recent U.S. EPA exemptions of compounds from regulation as ozone precursors. On October 5, 1994, at 59 Fed. Reg. 50696, U.S. EPA added one compound and a class of compounds to the list of chemical species that are exempted from the definition of VOM and, hence, are exempted from regulation for control of ozone precursors. The single compound is parachlorobenzotrifluoride (PCBTf), whose standard International Union of Pure and Applied Chemistry (IUPAC) name is p-chlorotrifluoromethylbenzene (or alternative common name is o-chloro-a, a, a-trifluorotoluene). The class of compounds are cyclic, branched, or linear completely-methylated siloxanes.

The Board has incorporated the federal amendments of October 5, 1994 with no significant deviation from the added federal text. The only deviation is minor: we hyphenated "completely-methylated", since this is the appropriate form for a compound derived adjective. The Board also used this opportunity to make a small number of corrections to the text of the existing definition of VOM. The primary corrections are to the spelling and format of the chemical names in the listing of exempted compounds. Corrected were the following (corrections underlined): "dichloromethane", "1,1,1-trichloroethane", "1,2-dichloro-1,1,2,2-tetrafluoroethane", "1,1,1-trifluoro-2,2-dichloroethane", "1,1-dichloro-1-fluoroethane", "1-chloro-1,1-difluoroethane", and "1,1-difluoroethane". These corrections represent changes to standard chemical nomenclature. The Board notes that the errors in 1,2-dichloro-1,1,2,2-tetrafluoroethane, 1,1-dichloro-1-fluoroethane, and 1-chloro-1,1-difluoroethane appeared in the federal original text.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-6924

Request copies of the Board's opinion and order of July 7, 1995 in docket R95-2 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

211.101 Incorporations by Reference
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section

211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.210 Actual Heat Input
211.230 Adhesive
211.240 Adhesion Promoter
211.250 Aeration
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment
211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol
211.490 Annual Grain Through-Put
211.495 Anti-Glare/Safety Coating
211.510 Application Area
211.530 Architectural Coating
211.550 As Applied
211.560 As-Applied Fountain Solution
211.570 Asphalt
211.590 Asphalt Prime Coat
211.610 Automobile

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211.630	Automobile or Light-Duty Truck Assembly	Source or Automobile or
	Light-Duty Truck Manufacturing Plant	
211.650	Automobile or Light-Duty Truck Refinishing	
211.660	Automotive/Transportation Plastic Parts	
211.670	Baked Coatings	
211.680	Bakery Oven	
211.685	Basecoat/Clearcoat System	
211.690	Batch Loading	
211.695	Batch Operation	
211.696	Batch Process Train	
211.710	Bead-Dipping	
211.730	Binders	
211.750	British Thermal Unit	
211.770	Brush or Wipe Coating	
211.790	Bulk Gasoline Plant	
211.810	Bulk Gasoline Terminal	
211.820	Business Machine Plastic Parts	
211.830	Can	
211.850	Can Coating	
211.870	Can Coating Line	
211.890	Capture	
211.910	Capture Device	
211.930	Capture Efficiency	
211.950	Capture System	
211.970	Certified Investigation	
211.980	Chemical Manufacturing Process Unit	
211.990	Choke Loading	
211.1010	Clean Air Act	
211.1050	Cleaning and Separating Operation	
211.1070	Cleaning Materials	
211.1090	Clear Coating	
211.1110	Clear Topcoat	
211.1130	Closed Purged System	
211.1150	Closed Vent System	
211.1170	Coal Refuse	
211.1190	Coating	
211.1210	Coating Applicator	
211.1230	Coating Line	
211.1250	Coating Plant	
211.1270	Coil Coating	
211.1290	Coil Coating Line	
211.1310	Cold Cleaning	
211.1330	Complete Combustion	
211.1350	Component	
211.1370	Concrete Curing Compounds	
211.1390	Concentrated Nitric Acid Manufacturing Process	
211.1410	Condensate	
211.1430	Condensible PM-10	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1470	Continuous Process	211.2300	Fill
211.1490	Control Device	211.2310	Final Repair Coat
211.1510	Control Device Efficiency	211.2330	Firebox
211.1530	Conventional Soybean Crushing Source	211.2350	Fixed-Roof Tank
211.1550	Conveyorized Degreasing	211.2360	Flexible Coating
211.1570	Crude Oil	211.2365	Flexible Operation Unit
211.1590	Crude Oil Gathering	211.2370	Flexographic Printing
211.1610	Crushing	211.2390	Flexographic Printing Line
211.1630	Custody Transfer	211.2410	Floating Roof
211.1650	Cutback Asphalt	211.2430	Fountain Solution
211.1670	Daily-Weighted Average VOM Content	211.2450	Freeboard Height
211.1690	Day	211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.1710	Degreaser	211.2490	Fugitive Particulate Matter
211.1730	Delivery Vessel	211.2510	Full Operating Flowrate
211.1750	Dip Coating	211.2530	Gas Service
211.1770	Distillate Fuel Oil	211.2550	Gas/Gas Method
211.1780	Distillation Unit	211.2570	Gasoline
211.1790	Drum	211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.1810	Dry Cleaning Operation or Dry Cleaning Facility	211.2610	Gel Coat
211.1830	Dump-Pit Area	211.2630	Gloss Reducers
211.1850	Effective Grate Area	211.2650	Grain
211.1870	Effluent Water Separator	211.2670	Grain-Drying Operation
211.1875	Elastomeric Materials	211.2690	Grain-Handling and Conditioning Operation
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding Coatings	211.2710	Grain-Handling Operation
		211.2730	Green-Tire Spraying
211.1890	Electrostatic Bell or Disc Spray	211.2750	Green Tires
211.1900	Electrostatic Prep Coat	211.2770	Gross Heating Value
211.1910	Electrostatic Spray	211.2790	Gross Vehicle Weight Rating
211.1920	Emergency or Standby Unit	211.2810	Heated Airless Spray
211.1930	Emission Rate	211.2830	Heatset
211.1950	Emission Unit	211.2850	Heatset Web Offset Lithographic Printing Line
211.1970	Enamel	211.2870	Heavy Liquid
211.1990	Enclose	211.2890	Heavy Metals
211.2010	End Sealing Compound Coat	211.2910	Heavy Off-Highway Vehicle Products
211.2030	Enhanced Under-the-Cup Fill	211.2930	Heavy Off-Highway Vehicle Products Coating
211.2050	Ethanol Blend Gasoline	211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2070	Excess Air	211.2970	High Temperature Aluminum Coating
211.2090	Excessive Release	211.2990	High Volume Low Pressure (HVLP) Spray
211.2110	Existing Grain-Drying Operation	211.3010	Hood
211.2130	Existing Grain-Handling Operation	211.3030	Hot Well
211.2150	Exterior Base Coat	211.3050	Housekeeping Practices
211.2170	Exterior End Coat	211.3070	Incinerator
211.2190	External Floating Roof	211.3090	Indirect Heat Transfer
211.2210	Extreme Performance Coating	211.3110	Ink
211.2230	Fabric Coating	211.3130	In-Process Tank
211.2250	Fabric Coating Line	211.3150	In-Situ Sampling Systems
211.2270	Federally Enforceable Limitations and Conditions	211.3170	Interior Body Spray Coat
211.2290	Fermentation Time	211.3190	Internal-Floating Roof

POLLUTION CONTROL BOARD

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211.2300	Fill	211.2300	Fill
211.2310	Final Repair Coat	211.2310	Final Repair Coat
211.2330	Firebox	211.2330	Firebox
211.2350	Fixed-Roof Tank	211.2350	Fixed-Roof Tank
211.2360	Flexible Coating	211.2360	Flexible Coating
211.2365	Flexible Operation Unit	211.2365	Flexible Operation Unit
211.2370	Flexographic Printing	211.2370	Flexographic Printing
211.2390	Flexographic Printing Line	211.2390	Flexographic Printing Line
211.2410	Floating Roof	211.2410	Floating Roof
211.2430	Fountain Solution	211.2430	Fountain Solution
211.2450	Freeboard Height	211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source	211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter	211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate	211.2510	Full Operating Flowrate
211.2530	Gas Service	211.2530	Gas Service
211.2550	Gas/Gas Method	211.2550	Gas/Gas Method
211.2570	Gasoline	211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility	211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat	211.2610	Gel Coat
211.2630	Gloss Reducers	211.2630	Gloss Reducers
211.2650	Grain	211.2650	Grain
211.2670	Grain-Drying Operation	211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation	211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation	211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying	211.2730	Green-Tire Spraying
211.2750	Green Tires	211.2750	Green Tires
211.2770	Gross Heating Value	211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating	211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray	211.2810	Heated Airless Spray
211.2830	Heatset	211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line	211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid	211.2870	Heavy Liquid
211.2890	Heavy Metals	211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products	211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating	211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line	211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating	211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray	211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood	211.3010	Hood
211.3030	Hot Well	211.3030	Hot Well
211.3050	Housekeeping Practices	211.3050	Housekeeping Practices
211.3070	Incinerator	211.3070	Incinerator
211.3090	Indirect Heat Transfer	211.3090	Indirect Heat Transfer
211.3110	Ink	211.3110	Ink
211.3130	In-Process Tank	211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems	211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat	211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof	211.3190	Internal-Floating Roof

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NOTICE OF ADOPTED AMENDMENTS

211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3990	New Grain-Drying Operation

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NOTICE OF ADOPTED AMENDMENTS

211.4010	New Grain-Handling Operation
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process

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NOTICE OF ADOPTED AMENDMENTS

211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Purged Process Fluid
211.5330	Rated Heat Input Capacity
211.5340	Reactor
211.5350	Reasonably Available Control Technology (RACT)
211.5370	Reclamation System
211.5390	Refiner
211.5410	Refinery Fuel Gas
211.5430	Refinery Fuel Gas System
211.5450	Refinery Unit or Refinery Process Unit
211.5470	Reflective Argon Coating
211.5480	Refrigerated Condenser
211.5490	Regulated Air Pollutant
211.5500	Reid Vapor Pressure
211.5510	Repair
211.5530	Repair Coat
211.5550	Repaired
211.5570	Residual Fuel Oil
211.5590	Resist Coat
211.5600	Restricted Area
211.5610	Retail Outlet

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211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Devolatilizer Unit

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211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web

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NOTICE OF ADOPTED AMENDMENTS

211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6283, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. **11-06-6** effective **JUL 12 1995**.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses;

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subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material (VOM)" or "volatile ~~Volatille~~ organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane ~~Methane~~; ethane; methylene chloride (dichloromethane ~~dichloromethane~~),

1,1,1-trichloroethane ~~trichloroethane~~ (methyl chloroform);

1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113);

trichlorofluoromethane (CFC-11);

dichlorodifluoromethane (CFC-12); chlorodifluoromethane

(CFC-22); trifluoromethane (FC-23); 1,2-dichloro-

1,1,2,2-tetrafluoroethane (CFC-114);

chloropentafluoroethane ~~-tetropentafluoroethane~~ (CFC-115);

1,1,1-trifluoro-

2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane

(HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b);

1-chloro-1,1-difluoroethane (HCFC-142b);

2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane

(HFC-134); 1,1,1-trifluoroethane (HFC-143a);

1,1-difluoroethane ~~difluoroethane~~ (HFC-152a); and perfluorocarbon

~~parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear~~

~~completely-methylated siloxanes;~~

compounds which fall into these classes:

- 1) Cyclic, branched, or linear, completely fluorinated alkanes;
 - 2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - 3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - 4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR Part 60, Appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112 and 219.112, as applicable, or by source-specific test methods that which have been established pursuant to a permit issued pursuant to a program approved or promulgated under Title V of the Clean Air Act, or under 40 CFR Part 51, Subpart I or Appendix S, incorporated by

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reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR Part 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified, and the ~~such~~ exclusions is approved by the Agency.

c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.

d) The USEPA shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) above.

(Source: Amended JUL 12 1995 19 Ill. Reg. 11066, effective)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050.
- 3) Section number: Emergency Action:
1050.1335 Amendment
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635]
- 5) Effective Date of Emergency Rules: July 13, 1995.
- 6) If this Emergency Rule is to expire before the end of the 150- day period, please specify the date on which it is to expire: This Emergency Rule will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: July 10, 1995.
- 8) Reason for Emergency: The Agency has been consulting and negotiating with industry representatives for over one year and finally reached agreed upon language. It has recently come to the Agency's attention that several criminal complaints are currently pending against mortgage brokers based upon the old (current) language. This Section needs to be clarified immediately in order to clear up and dispose of these criminal complaints.
- 9) A Complete Description of the Subjects and Issues Involved: Section 1050.1335 proposes amendments to the requirements and authority of the licensee to receive monies from borrowers prior to loan closing and authority to retain monies if the loan does not close.
- 10) Are there any other Proposed Amendments Pending to this Part? None.
- 11) Statement of Statewide Policy Objectives: This rule will not affect local government.
- 12) Information and questions regarding this Emergency Rule shall be directed to:
- Mr. Jay R. Stevenson, Chief Deputy Commissioner
Office of the Commissioner of Savings
and Residential Finance
500 East Monroe, Suite 800
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COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER VIII: COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

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AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 (205 ILCS 635).

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393,

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effective October 24, 1985; Part repealed at 12 Ill. Reg. 3042 and new Part adopted by emergency action at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683 and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendments at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17093, effective October 11, 1988; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendments at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act (205 ILCS 205) at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. **11080**, effective July 13, 1995, for a maximum of 150 days.

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section 1050.1335 Fees and Charges Prior to Closing
EMERGENCY

a) A licensee shall not require a borrower to pay any fees or charges prior to the loan closing, except:

at) Charges to be incurred by the licensee on behalf of the borrower for services from third parties necessary to process the application, such as for credit reports and appraisals; and:

1) A commitment fee of up to one per cent may be charged prior to closing only if a licensee is able to demonstrate either that:

A) the commitment is provided in writing by the funding entity and accepted in writing by the borrower; or
B) the commitment provided in writing is consistent with a Loan Brokerage Agreement provided to the borrower pursuant to Section 1050.1010 of this Part which Loan Brokerage Agreement was signed by the borrower.

2) If the commitment provided by the funding entity pursuant to subsection (a)(1) is subject to any condition or conditions, and any condition is not met due to an action or lack of action on the part of the borrower, the licensee may retain the commitment fee. In all other cases, if the loan does not close as agreed by the licensee and the borrower, the licensee shall refund the commitment fee to the borrower.

3) A commitment fee may be collected by a licensee even if a loan does not close if:

A) such fee was disclosed in the Loan Brokerage Agreement provided to a borrower pursuant to Section 1050.1010 of this Part and signed by the borrower; and

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- B) a commitment was obtained by the licensee consistent with such Loan Brokerage Agreement if:
- i) The borrower withdraws the loan application;
 - ii) The borrower has made a material misrepresentation on the loan application; or
 - iii) The borrower has failed to provide documentation necessary to the processing or closing of the loan.

42) A Rate-Lock Fee, provided:

- A) A Rate-Lock Fee Agreement is in writing and signed by both the licensee and prospective borrower;
- B) The Rate-Lock Fee Agreement shall state all of the following:

- i) The expiration date of the Rate-Lock Fee Agreement,
 - ii) The amount of the loan,
 - iii) The maximum interest rate of the loan,
 - iv) The term of the loan, and
 - v) The maximum discount (points) to be paid;
- C) The licensee is able to demonstrate to the Commissioner that
- i) The licensee is able to perform under the terms of the Rate-Lock Fee Agreement; and
 - ii) Subject to verification, the information submitted by the borrower indicates that the loan will be approved in accordance with the Rate-Lock Fee Agreement;
- D) Such fee does not exceed one percent (1%) of the loan amount; and

- E) The Rate-Lock Fee is deposited in escrow with the licensee in accordance with the requirements of Section 1050.440 of this Part, for the following distribution:

- i) The Rate-Lock Fee is credited to the borrower at closing; or
- ii) The Rate-Lock Fee must be refunded if the loan does not close in accordance with the Rate-Lock Fee Agreement, except that the Rate-Lock Fee Agreement may be retained by the licensee upon the licensee's ability to demonstrate to the Commissioner any of the following reasons: the borrower withdraws the loan application; the borrower has made a material misrepresentation on the loan application; the borrower has failed to provide documentation necessary to the processing or closing of the loan.
- iii) When the Rate-Lock Fee is to be retained, the licensee shall, ten (10) days prior to taking possession of the fee, send a written notice to the borrower stating the reason for retaining the fee.

- 53) A licensee may charge a borrower an assumption fee for a Federal Housing Administration (FHA) or Department of Veterans Affairs (VA) loan assumption, which, by regulation, requires full credit approval prior to closing, if:

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- A) The applicant must qualify for the extension of credit as required under:

- i) The terms and conditions of mortgages given on property in Illinois which are insured by the Federal Housing Administration and dated on or after December 15, 1989 requiring prior credit approval of the Secretary of Housing and Urban Development.

- ii) The terms and conditions of mortgages given on property located in Illinois which are guaranteed by the U.S. Department of Veterans Affairs (VA) dated on or after March 1, 1988 and requiring approval of VA or its authorized agent.

- B) The Assumption fee must be credited to the borrower at closing, or must be refunded if the loan does not close in accordance with the Assumption Fee Agreement, except that the Assumption fee may be retained by the licensee, if:

- i) The borrower withdraws the loan application;
- ii) The borrower has made a material misrepresentation on the loan application; or
- iii) The borrower has failed to provide documentation necessary to the processing or closing of the loan.

- b) For each violation of this Section, the Commissioner may fine a licensee up to \$500 in addition to all other actions authorized under the Act and Rules.

(Source: Emergency amendment at 19 Ill. Reg. **11080**, effective July 13, 1995, for a maximum of 150 days)

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- a) Part(s) (Heading and Code Citation): Community Care Program; 89 Ill. Adm. Code 240

1) Rulemaking:A) Description:

Pursuant to the spousal impoverishment provisions of Public Act 87-740, the Community Care Program is revising selected eligibility time frame and asset related rules to ensure required provisions of Medicaid eligibility are met. The rules are Sections 240.655, 660, 820, 920 and 1020.

- B) Statutory Authority: 20 ILCS 105/4.01 (4), (9), (11) and (12); 4.02; 4.03; and 5.02.

C) Scheduled meeting/hearing date:

The Department does not anticipate hearings on these emergency and first file rules, since the Department previously conducted public hearings on Spousal Impoverishment implementation.

D) Date agency anticipates First Notice:

The Department anticipates First Notice on or after July 1, 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations:

This rulemaking will affect the Case Coordination Units (CCUs) and the Department only.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217) 785-3346

- G) Related rulemakings and other pertinent information:

None

- b) Part(s) (Heading and Code Citation): Community Care Program; 89 Ill. Adm. Code 240

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1) Rulemaking:A) Description:

Pursuant to the legislated requirements of Universal Estate Recovery, the Department anticipates filing new rules to recover GRF funds for Community Care Program (CCP) services upon the death of a CCP client and any surviving dependent.

- B) Statutory Authority: 20 ILCS 105/4.01 (4), (9), (11) and (12); 4.02; 4.03; and 5.02.

C) Scheduled meeting/hearing date:

The Department does anticipate hearings on these first file rules, but such scheduled dates have not been established.

D) Date agency anticipates First Notice:

The Department anticipates First Notice in August or September of 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations:

This rulemaking will affect the Case Coordination Units (CCUs) and the Department only.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217) 785-3346

- G) Related rulemakings and other pertinent information:

None

- c) Part(s) (Heading and Code Citation): Elder Rights; 89 Ill. Adm. Code 270

1) Rulemaking:A) Description:

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Pursuant to the Illinois Act on Aging (Public Act 86-154), the Department, under the Long Term Care Ombudsman Program, is promulgating rules for administration of the program.

B) Statutory Authority: 20 ILCS 105/4.01, (4), (11) and 4.04(c)

C) Scheduled meeting/hearing date:

The Department does not anticipate hearings and requests that written comment be submitted to the Office of General Counsel.

D) Date agency anticipates First Notice:

The Department anticipates First Notice on or after September 1, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations:

This rulemaking will affect Sub-State Ombudsman Provider Agencies, Area Agencies on Aging, long term care facilities and the Department on Aging.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information:

None

d) Part(s) (Heading and Code Citation): Elder Rights; 89 Ill. Adm. Code 270

1) Rulemaking:

A) Description:

Pursuant to the Elder Abuse and Neglect Act (Public Act 87-870), the Department, under Elder Abuse and Neglect Act, is promulgating rules for administration of the

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program.

B) Statutory Authority: 20 ILCS 105/4.01, (4), (11) and 320 ILCS 15/0.01 et seq. and 20/1 et seq.

C) Scheduled meeting/hearing date:

The Department does not anticipate hearings and requests that written comment be submitted to the Office of General Counsel.

D) Date agency anticipates First Notice:

The Department anticipates First Notice on or after September 1, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations:

This rulemaking will affect Elder Abuse Provider Agencies, Area Agencies on Aging and the Department on Aging.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: None

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- a) Part(s) (Heading and Code Citation): Animal Control Act, 8 Ill. Adm. Code 30

1) Rulemaking:

- A) Description: Due to reorganization within the Department, all references to Division will be changed to Department.

- B) Statutory Authority: Animal Control Act [510 ILCS 5] and Sections 9 and 10 of the Illinois Diseased Animals Act [510 ILCS 50/9 and 10]

- C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

- D) Date Agency anticipates First Notice: September, 1995.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no adverse impact on small businesses.

- F) Agency contact person for information:

Name: Dr. David Bromwell
Address: Illinois Department of Agriculture, P.O. Box 19281, Springfield, IL 62794-9281.
Telephone: 217/782-6657 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Animal Welfare Act, 8 Ill. Adm. Code 25

1) Rulemaking:

- A) Description: The Department will develop regulations regarding foster homes for animals including licensing and their activities in conjunction with licensed animal shelters operated by not-for-profit corporations. Regulations will be developed

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for the specific services provided by guard or sentry dog services and animals involved in such service. This will include those out-of-state businesses that provide such service for patrons in Illinois. All references to "pound" will be changed to "animal control facility" in accordance with SB 623. Due to reorganization within the Department, all references to Division will be changed to Department.

- B) Statutory Authority: Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50]

- C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

- D) Date Agency anticipates First Notice: September, 1995.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect not-for-profit animal shelters and those businesses offering guard or sentry dog services.

- F) Agency contact person for information:

Name: Dr. David Bromwell
Address: Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281.
Telephone: 217/782-6657 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Illinois Dead Animal Disposal Act, 8 Ill. Adm. Code 90

1) Rulemaking:

- A) Description: The Department will expand the existing composting regulations to include other types of animal product. Regulations will also be developed regarding the conveyance of dead animals over the highways to a landfill by an owner or

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hired employee.

- B) Statutory Authority: Illinois Dead Animal Disposal Act [225 ILCS 610]

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the Illinois Register.

- D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect farmers.

- F) Agency contact person for information:

Name: Dr. David Bromwell
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-6657 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Swine Brucellosis,
8 Ill. Adm. Code 100

- 1) Rulemaking:

A) Description: Due to reorganization within the Department, all references to Division will be changed to Department. Cites to the Code of Federal Regulations will be updated.

- B) Statutory Authority: Illinois Swine Brucellosis Eradication Act [510 ILCS 95] and the Illinois Pseudorabies Control Act [510 ILCS 90] and the Illinois Diseased Animals Act [510 ILCS 50].

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the

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Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

- D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no adverse impact on small businesses.

- F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Animal Diagnostic Laboratory Act, 8 Ill. Adm. Code 110

- 1) Rulemaking:

A) Description: Due to reorganization within the Department, all references to Division will be changed to Department. At the request of the Illinois Liquor Control Commission, a fee schedule is being established for tests that they want Department laboratories to conduct. The determination as to whether a bill is charged because the owner/animals are non-Illinois residents will be clarified. The name of the U.S. Sanitation Monitored Herds has been changed to U.S.S. Enteritidis. Fees for shipping costs will be established.

- B) Statutory Authority: Animal Disease Laboratory Act [510 ILCS 10].

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the

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advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those businesses (i.e., farmers, veterinarians, feed and fertilizer companies) wanting to utilize Department laboratory services.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Equine Infectious Anemia Control, 8 Ill. Adm. Code 116

1) Rulemaking:

A) Description: Upon the anticipated enactment by the Governor of proposed legislation (SB 43), the Department will develop rules governing the movement of equidae through sales and auction markets. The rules will include provisions for testing non-tested animals at the market and specify the confinement of the animal until the status of the animal is determined.

B) Statutory Authority: Illinois Equine Infectious Anemia Control Act [510 ILCS 65]

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September, 1995.

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E) Effect on small businesses, small municipalities or not for profit corporations: Markets and sales dealing in equidae will be affected.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Definitions, 8 Ill. Adm. Code 20

1) Rulemaking:

A) Description: Due to reorganization within the Department, all references to Division will be changed to Department. Cites to the Code of Federal Regulations and Uniform Methods and Rules will be updated where necessary. The definition of "health certificate" will be amended to limit the effective date of the document to 30 days after issuing (except for exhibition sheep and Illinois swine which is 90 days). The definition of "feeder swine" will be changed to redefine feeders as animals under four months of age.

B) Statutory Authority: Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/71]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3] Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed

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rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect people exhibiting animals in Illinois.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Swine Disease Control and Eradication Act, 8 Ill. Adm. Code 105

1) Rulemaking:

A) Description: Due to reorganization within the Department, all references to Division will be changed to Department. Cites to the Swine Brucellosis Uniform Methods and Rules and the Pseudorabies Eradication State-Federal-Industry Program Standards will be updated as necessary.

B) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 100]; the Illinois Pseudorabies Control Act [510 ILCS 90]; and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September, 1995.

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E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is expected.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Hatcheries, Poultry Flocks, and Produce Thereof, 8 Ill. Adm. Code 55

1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated. The U.S. Department of Agriculture, under the National Poultry Improvement Plan, has changed the name of the U.S. Sanitation Monitored program to U.S.S. Enteritidis.

B) Statutory Authority: Poultry Inspection Act [510 ILCS 85]

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is expected.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

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1) Part(s) (Heading and Code Citation): Livestock Dealer Licensing, 68 Ill. Adm. Code 610

1) Rulemaking:

A) Description: Upon the anticipated enactment by the Governor of proposed legislation (SB 43), the Department will propose rules that will specify what information is to be provided to the Department on the livestock dealer license application. Due to reorganization within the Department, all references to Division will be changed to Department.

B) Statutory Authority: Illinois Livestock Dealer Licensing Act [225 ILCS 645]

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is expected as a result of this rulemaking. This rulemaking will identify the general information that is to be provided to the Department on the livestock dealer license application.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Diseased Animals, 8 Ill. Adm. Code 85

1) Rulemaking:

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A) Description: Due to reorganization within the Department, all references to Division will be changed to Department. Cites to the Code of Federal Regulations and Brucellosis Eradication Uniform Methods and Rules will be updated as necessary. Methods of identification of livestock will be updated to include ear tags under identification that cannot be removed from livestock and the addition of microchip identification considered. An amendment may be proposed to require a statement on health certificates of animals moving into Illinois from any state where there is a confirmed diagnosis of vesicular stomatitis that vesicular stomatitis has not been diagnosed within ten miles of the premises of origin within the past thirty days and there are no signs of vesicular stomatitis on the premises of origin.

B) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 501]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect slaughter facilities.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

1) Part(s) (Heading and Code Citation): Bovine Brucellosis, 8 Ill. Adm. Code 75

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1) Rulemaking:

- A) Description: Due to reorganization within the Department, all references to Division will be changed to Department. Cites to the Code of Federal Regulations and Brucellosis Eradication Uniform Methods and Rules will be updated as necessary. Methods of identification of cattle will be clarified to include ear tags and brands in several of the regulations. Microchip identification will be considered. Upon the anticipated enactment by the Governor of proposed legislation (SB 43), the age for retesting of vaccinated dairy cattle will be lowered to 20 months of age, and the regulations will be amended to reflect this change.

- B) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30]

- C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

- D) Date Agency anticipates First Notice: September, 1995.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect dairy producers.

- F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281, Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- m) Part(s) (Heading and Code Citation): Feeder Swine Dealer Licensing, 68 Ill. Adm. Code 590

1) Rulemaking:

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- A) Description: Due to reorganization within the Department, all references to Division will be changed to Department. Upon the anticipated enactment by the Governor of proposed legislation (SB 43), the Department will develop the information requirements to be on the feeder swine dealer license application. A regulation will be added to require that slaughter animals be kept separate from feeder swine.

- B) Statutory Authority: Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620]

- C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

- D) Date Agency anticipates First Notice: September, 1995.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will identify the general information to be provided to the Department on the feeder swine dealer license application.

- F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281, Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- n) Part(s) (Heading and Code Citation): Livestock Auction Markets, 8 Ill. Adm. Code 40

1) Rulemaking:

- A) Description: Due to reorganization within the Department, all references to Division will be changed to Department. An allowance will be made to allow the movement of feeder swine into Illinois without an identification tag as long as the swine are not commingled with feeder swine from another location or

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owner before arrival.

- B) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23].
- C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.
- Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will ease tagging requirements for feeder swine entering the State.

F) Agency contact person for information:

Name: Dr. Richard Hull
Address: Illinois Department of Agriculture, P.O. Box 19281,
Springfield, IL 62794-9281.
Telephone: 217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

O) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds, 8 Ill. Adm. Code 270

1) Rulemaking:

A) Description: New regulations will be developed regarding advertising in State Fair publications to implement the legislation (HB 1493) that passed the Illinois General Assembly this past spring. Amendments to "Facility Availability" (Section 270.420) will need to be amended to facilitate additional rentals to maximize income throughout the non-fair season. A clarification is needed to further explain the Department's policy of allowing last year's lessees to have first right to the same dates in subsequent years in Section 270.380 concerning "Application for Space".

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B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14].

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to September 1, 1995.

D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds and those advertising in fair publications.

F) Agency contact person for information:

Name: Herb Higgs
Address: Illinois Department of Agriculture, State Fairgrounds,
Springfield, IL 62794-9427.
Telephone: 217/782-6661 FAX: 217/782-9115

G) Related rulemakings and other pertinent information: None

P) Part(s) (Heading and Code Citation): Fairs Operating Under the Agricultural Premium Fund, 8 Ill. Adm. Code 260

1) Rulemaking:

A) Description: Upon the anticipated enactment by the Governor of proposed legislation (HB 1493), rules pertaining to county fairs will be amended.

B) Statutory Authority: Agricultural Fair Act [30 ILCS 120]

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to October 1, 1995.

D) Date Agency anticipates First Notice: Mid-October, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect county fairs.

F) Agency contact person for information:

Name: Jim Reynolds
Address: Illinois Department of Agriculture, State Fairgrounds,
Springfield, IL 62794-9281.
Telephone: 217/782-3629 FAX: 217/785-4059

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G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Grain Code (Code Citation to be assigned)

1) Rulemaking:

A) Description: Upon the anticipated enactment by the Governor of proposed legislation (HB 1490), rules and regulations that will consolidate current rules to the Grain Insurance Act (8 Ill. Adm. Code 285), the Grain Dealers Act (68 Ill. Adm. Code 600), and the Public Grain Warehouse and Warehouse Receipts Act (8 Ill. Adm. Code 505) will be proposed.

B) Statutory Authority: Grain Code, HB 1493 (Illinois Grain Dealers Act [225 ILCS 630]; Illinois Grain Insurance Act [240 ILCS 25]; Public Grain Warehouse and Warehouse Receipts Act [240 ILCS 15]; Sections 16 and 40.23 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 20 ILCS 205/40.23]).

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 15, 1995.

D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those businesses in the grain industry.

F) Agency contact person for information:

Name: Tom Jennings
Address: Illinois Department of Agriculture, State Fairgrounds, Springfield, IL 62794-9281.
Telephone: 217/782-7422 FAX: 217/524-7801

G) Related rulemakings and other pertinent information: This rulemaking will require amendments to the Civil Adm. Code (8 Ill. Adm. Code 3, Subchapter A) to eliminate references to grain, grain claimants and procedures involving hearings for grain claimants because this statutory language will be incorporated into the Grain Code regulations. Administrative rules to the Grain Insurance Act (8 Ill. Adm. Code 285), the Grain Dealers Act (68 Ill. Adm. Code 600), and the Public Grain Warehouse and Warehouse Receipts Act (8 Ill. Adm. Code 505) will be repealed as these acts are repealed in HB 1493.

F) Part(s) (Heading and Code Citation): Meat and Poultry Inspection Act, 8

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Ill. Adm. Code 125

1) Rulemaking:

A) Description: Amendments to 8 Ill. Adm. Code 125 will include: deleting references to the Illinois Revised Statutes, adding Illinois Compiled Statutes references, updating citations to incorporations by reference, and amending the overtime/holiday charges for inspection services requested by licensed establishments.

B) Statutory Authority: Meat and Poultry Inspection Act (225 ILCS 650) and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: August, 1995

E) Effect on small businesses, small municipalities or not for profit corporations: Overtime/holiday charges for inspection services requested by licensed establishments will be increased. The present charges have been in effect since March, 1989 and need to be increased in order to help cover the cost of these services. Since the licensee must request the Department to provide overtime/holiday meat and poultry inspection, any expense for overtime/holidays is at the option of the establishment.

F) Agency contact person for information:

Name: Debbie Wakefield
Address: Illinois Department of Agriculture, State Fairgrounds, Springfield, IL 62794-9281.
Telephone: 217/785-5713 FAX: 217/785-4505

G) Related rulemakings and other pertinent information: These amendments may be done in two separate rulemakings: (1) amendments to overtime/holiday charges; and (2) updating references.

g) Part(s) (Heading and Code Citation): Weights and Measures Act, 8 Ill. Adm. Code 600

1) Rulemaking:

A) Description: The fees charged for device inspections have not

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been increased since 1988. In order to recover more of the cost of device inspections to support this program, the Department will be proposing regulations to increase device inspection fees.

- B) Statutory Authority: Section 8 of the Weights and Measures Act [225 ILCS 470/8]

- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register. A public hearing to receive public comments will be held in August or September, 1995.

- D) Date Agency anticipates First Notice: August, 1995

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect grain elevators, grocery stores, hardware stores, gasoline stations, or any business that has scales, pumps, or meters used in trade or commerce.

- F) Agency contact person for information:

Name: Sid Colbrook
Address: Illinois Department of Agriculture, State Fairgrounds, Springfield, IL 62794-9281.
Telephone: 217/782-3817 FAX: 217/524-7801

- G) Related rulemakings and other pertinent information: None

- t) Part(s) (Heading and Code Citation): Motor Fuel Standards Act, 8 Ill. Adm. Code 850

- 1) Rulemaking:

- A) Description: Recognize volatility and distillation standards apply only to base gasoline, not to the finished ethanol blend. Modify rules to delete procedures for charging consumers when motor fuel samples are analyzed to be consistent with changes made to the Act.

- B) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]

- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

- D) Date Agency anticipates First Notice: August, 1995

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- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect gasoline stations and the petroleum marketing chain.

- F) Agency contact person for information:

Name: Sid Colbrook
Address: Illinois Department of Agriculture, State Fairgrounds, Springfield, IL 62794-9281.
Telephone: 217/782-3817 FAX: 217/524-7801

- G) Related rulemakings and other pertinent information: None

- u) Part(s) (Heading and Code Citation): Egg and Egg Products Act, 8 Ill. Adm. Code 65

- 1) Rulemaking:

- A) Description: Upon the anticipated enactment of SB 43 by the Governor, amendments to these rules will include: retail labeling of expiration dates; storage temperature for eggs; add requirement that producers stamp each case of eggs with identification prior to shipment so that in the event of a food borne disease outbreak in which eggs are involved, the eggs can be traced back to the producer; licensure fees and classification will be established in the rules rather than in the statute; clarify who the responsible party is that will pay egg inspection fees; delete bonding requirements; change licensing year to July 1-June 30; and add administrative penalties section.

- B) Statutory Authority: Section 13 of the Illinois Egg and Egg Products Act [410 ILCS 615/13]

- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register. A public hearing to receive public comment will also be held near the end of the first 45-day public comment period.

- D) Date Agency anticipates First Notice: August, 1995.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect all egg licensees.

- F) Agency contact person for information:

Name: Jerry Robertson

DEPARTMENT OF AGRICULTURE

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Address: Illinois Department of Agriculture, State Fairgrounds,
Springfield, IL 62794-9281.
Telephone: 217/782-3817 FAX: 217/524-7801

- G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): Standardbred and Thoroughbred Horse
Breeding and Racing Programs, 8 Ill. Adm. Code 290

1) Rulemaking:

- A) Description: The Department anticipates amending these rules to clean up and clarify existing rules and to propose amendments necessary to comply with the statutory changes to the Horse Racing Act of 1975 (HB 2108). In Subpart A, amendments will be made regarding definitions concerning Illinois residency requirements for thoroughbred stallion ownership, and an allowance will be proposed for Department's authorized agent to receive payments.

In Subpart B, amendments will be made to outline procedures and requirements which will allow for fresh semen transportation within the state. Procedures for reporting change in standing location or ownership of Illinois stallions will be proposed. In Section 290.85, the reference to mare status reports will be deleted. In Section 290.110, the definition of aged division to 4 years and older will be amended.

In Subpart C, Thoroughbred Division, Illinois residency requirement for stallion ownership will be deleted along with bill of sale requirement for new applications. Language will be added relative to reporting standing location and ownership changes of Illinois stallions. With regard to broodmare eligibility, requirements will be added for newly created breed-back program and exemption of December 1 arrival date for Illinois residents' purchases prior to February 1 of foaling year. Delete mare status report requirement for Illinois conceived and foaled eligibles and amend report due dates. With regard to foal registration requirements: add one-time allowance for racing papers which have not been certified by the Department. With regard to County Fair racing, amend number of entry requirements and add violation if electrical, mechanical device and prohibited medications.

- B) Statutory Authority: Section 30 and 31 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/30 and 31]

- C) Schedule meeting/hearing date: Written comments may be

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submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

- D) Date Agency anticipates First Notice: October, 1995.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect horse breeding farms.

- F) Agency contact person for information:

Name: Jim Reynolds
Address: Illinois Department of Agriculture, State Fairgrounds,
Springfield, IL 62794-9281.
Telephone: 217/782-4231 FAX: 217/785-4059

- G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Land Application Authorization Program, (code citation to be assigned)

1) Rulemaking:

- A) Description: Upon the anticipated enactment by the Governor of proposed legislation (SB 448), rules will be proposed governing the application for Department issuance of written authorization to the owner or operator of an agrichemical facility for land application of agrichemical contaminated soils and groundwater at agronomic rates.

- B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]

- C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to December 1, 1995. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.

- D) Date Agency anticipates First Notice: January, 1996

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect agrichemical facilities; it will facilitate the economic remediation of retail agrichemical facilities.

- F) Agency contact person for information:

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Name: Warren Goetsch
 Address: Illinois Department of Agriculture, State Fairgrounds,
 Springfield, IL 62794-9281.
 Telephone: 217/785-8218 FAX: 217/524-4882

G) Related rulemakings and other pertinent information:
 Agrichemical Facility Response Action Program.

x) Part(s) (Heading and Code Citation): Agrichemical Facility Response
 Action Program, (code citation to be assigned)

1) Rulemaking:

A) Description: Upon the anticipated enactment by the Governor of proposed legislation (SB 448), this rulemaking will establish procedures governing the operation of the Agrichemical Facility Response Action Program including the coordination of Department and board functions as they relate to the application evaluation and oversight of agrichemical facility cleanups conducted under the program.

B) Statutory Authority: Illinois Pesticide Act (415 ILCS 60)

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to December 1, 1995. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.

D) Date Agency anticipates First Notice: January, 1996

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect agrichemical facilities; it will facilitate the economic remediation of retail agrichemical facilities.

F) Agency contact person for information:

Name: Warren Goetsch
 Address: Illinois Department of Agriculture, State Fairgrounds,
 Springfield, IL 62794-9281.
 Telephone: 217/785-8218 FAX: 217/524-4882

G) Related rulemakings and other pertinent information: Land
 Application Authorization Program.

ILLINOIS DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

JULY 1995 REGULATORY AGENDA

a) Part: Licensure of Alcoholism and Substance Abuse Treatment,
 Intervention and Research Programs; 77 Ill Adm Code 2058

1) Rulemaking:

A) Description: This rule will be repealed in its entirety. The contents of this rule will be merged with another Department rule (Part 2056) for purposes of clarity and consistency, thus promulgating one rule governing all licensure services within the department. New provisions will be added that address standard patient placement criteria, quality improvement, and new federal regulations relative to infection control and facility requirements. In addition, it will be proposed to extend the licensure cycle one year and to expedite the entire process, requiring less paperwork for both, the department and the provider.

B) Statutory Authority: Alcoholism and Other Drug Abuse and
 Dependency Act (20 ILCS 301/1-1 et seq).

C) Schedule meeting/hearing date: The department will accept comments at the address below, consistent with legal requirements. Notice of hearing will be subsequently published should hearings be required.

D) Date agency anticipates First Notice: August, 1995

E) Effect on small businesses, small municipalities or not for profit corporations: Many businesses regulated by Part 2058 may qualify as small businesses or not-for-profit corporations. The proposed changes should alleviate duplicative, outdated and unnecessary regulatory requirements for such businesses. One section will impose mandatory testing for tuberculosis consistent with Federal Block Grant requirements and with new standards of the Federal Center for Disease Control (CDC).

F) Agency contact persons for information:

Name: Ronald J. Vlasaty or Philip Wyatt
 Address: 100 W. Randolph St. 222 S. College
 Suite 5-600 Second Floor
 Chicago, IL 60601 Springfield, IL 62704
 Telephone: 312/814-3840 217/782-0685
 TDD: 312/419-8432 217/524-5103

G) Related rulemakings and other pertinent information:
 Projected repeal of Rule 2056 in its entirety, except
 Subpart F.

ILLINOIS DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

JULY 1995 REGULATORY AGENDA

- b) **Part:** Licensure of Driving Under the Influence Programs; 77 Ill Adm Code 2056

1) Rulemaking:

A) Description: All sections of this rule will be repealed, except Subpart F, which governs licensing of Beverage Alcohol Sellers and Servers Intervention and Training (BASSET) programs. The repealed sections of 2056 will be merged with repealed sections of Rule 2058 to create a new rule for purposes of clarity and consistency. Thus, promulgating one rule governing all licensure services within the department.

B) Statutory Authority: Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-1 et seq].

C) Schedule meeting/hearing dates: No specific hearing dates have been established. At least two hearings are anticipated. Notice of hearing will be published when specific hearing dates and locations are known.

D) Date agency anticipates First Notice: August, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: Many businesses regulated by Part 2056 may qualify as small businesses or not-for-profit corporations. The proposed changes should alleviate duplicative, outdated and unnecessary regulatory requirements for such businesses. One section will impose mandatory testing for tuberculosis consistent with Federal Block Grant requirements and with new standards of the federal Center for Disease Control (CDC).

F) Agency contact persons for information:

Name: Ronald J. Vlasaty or Philip Wyatt
Address: 100 W. Randolph St. 222 S. College Suite 5-600, Second Floor
 Chicago, IL 60601
Telephone: 312/814-3840
TDD: 312/419-8432
 217/524-5103

G) Related rulemakings and other pertinent information:
 Projected repeal of Rule 2058, in its entirety.

- c) **Part:** Subacute Alcoholism and Substance Abuse Treatment Services; 77 Ill Adm Code 2090

ILLINOIS DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

JULY 1995 REGULATORY AGENDA

1) Rulemaking:

A) Description: The Medicaid certification rules for substance abuse treatment services will be revised, as appropriate, to implement the provision of these services consistent with Medi-Plan Plus and the waiver provisions (yet unknown), as granted by the federal Health Care Financing Authority (HCFA).

B) Statutory Authority: Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-1 et seq].

C) Schedule meeting/hearing date: The Department will accept comments at the address below, consistent with legal requirements. Notice of hearing will be subsequently published should hearings be required.

D) Date agency anticipates First Notice: October, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: Many substance abuse treatment facilities are small businesses or not-for-profit corporations. The affect will be a restructuring of Medicaid Reimbursement to be consistent with Managed Care principles and with Medi-Plan Plus.

F) Agency contact persons for information:

Name: Ronald J. Vlasaty or Philip Wyatt
Address: 100 W. Randolph St. 222 S. College Suite 5-600 Second Floor
 Chicago, IL 60601
Telephone: 312/814-3840
TDD: 312/419-8432
 217/524-5103

G) Related rulemakings and other pertinent information:
 Additional regulation by the Illinois Department of Public Health regarding Medi-Plan Plus implementation are also anticipated.

- d) **Part:** Schedule of Controlled Substances; 77 Ill Adm Code 2070

1) Rulemaking:

A) Description: Changes will be proposed to make these rules consistent with federal scheduling and anticipated modifications of the state Controlled Substances Act.

B) Statutory Authority: Illinois Controlled Substances Act

ILLINOIS DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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[720 ILCS 570/100 et seq].

C) Schedule meeting/hearing date: The Department will accept comments at the address below, consistent with legal requirements. Notice of hearing will be subsequently published should it be required.

D) Date agency anticipates First Notice: November, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None of which the Department is aware.

F) Agency contact persons for information:

Name: Ronald J. Vlasaty or Philip Wyatt
Address: 100 W. Randolph Street 222 South College
Suite 5-600 Second Floor
Chicago, IL 60601 Springfield, IL 62704
Telephone: 312/814-3840 217/782-0685
TDD: 312/419-8432 217/524-5103

G) Related rulemakings and other pertinent information: None

e) Part: Triplicate Prescription Control Program; 77 Ill Adm Code 2080

1) Rulemaking:

A) Description: Rule amendments will be proposed in conformity with federal law and the anticipated enactment of like provisions under Illinois law which allow facsimile transmission of prescriptions to pharmacies and in exempting certain long term care facilities from the triplicate prescription requirements.

B) Statutory Authority: Illinois Controlled Substances Act [720 ILCS 570/101 et seq].

C) Schedule meeting/hearing date: The Department will accept comments at the address below, consistent with legal requirements. Notice of hearing will be subsequently published should it be required.

D) Date agency anticipates First Notice: September, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: Some businesses issuing or filling triplicate prescriptions may be small businesses. The rules will alleviate some regulatory burden for both, the

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businesses and the department.

F) Agency contact persons for information:

Name: Ronald J. Vlasaty or Philip Wyatt
Address: 100 W. Randolph St. 222 S. College
Suite 5-600 Second Floor
Chicago, IL 60601 Springfield, IL 62704
Telephone: 312/814-3840 217/782-0685
TDD: 312/419-8432 217/524-5103

G) Related rulemakings and other pertinent information: None of which the Department is currently aware.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY, 1995 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Pay Plan, 80 Ill. Adm. Code 310**1) Rulemaking(s):****A) Description:**

Projected amendments to the Department of Central Management Services' Pay Plan will include revisions to the following sections:

In Sections 310.30, 310.40, 310.210 and 310.320, the reference to the Illinois Revised Statutes is obsolete and will be deleted. Also in Sections 310.40 and 310.320, the ILCS citation will be revised to read "20 ILCS 415/8 and 8a".

In Section 310.230, Part-time Daily or Hourly Special Services Rate, the daily and hourly rates for the Office Aide, Office Assistant, Office Associate and Office Clerk will be upgraded to be parallel with the monthly minimum and maximum salaries of those titles already negotiated for July 1, 1995.

In Section 310.280, Designated Rate, the positions that are no longer being utilized will be deleted from this section.

In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the out-of-state position titles will be adjusted to maintain the same differential above the in-state position titles.

In Section 310.530, Implementation, the fiscal year will be revised upon the filing of the Merit Compensation changes.

In Section 310.540, Annual Merit Increase Guidechart, the guidechart will be revised to reflect changes in allowable amounts of salary increases for the level of performance upon implementation of Merit Compensation changes.

In Section 310. Table O, RC-028 (Paraprofessional Human Services Employees, AFSCME), the Apparel Dry Goods Specialist III title will reflect a one-grade salary change in the July 1, 1996 salary to reflect the increase given on January 1, 1995.

In Section 310. Appendixes C, D and G, salary amendments for Fiscal Year 1996 are anticipated in relation to the Merit Compensation plan.

A peremptory amendment will be filed in relation to a new Collective Bargaining Unit (NR-916) designation which covers the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Engineers and Engineering Technicians in the Division of Water Resources in the Department of Natural Resources (formerly, Department of Conservation).

In Section 310. Table J, RC-014 (Clerical Employees, AFSCME), the new class of Safety Responsibility Analyst will be replacing the Safety Responsibility Analyst I and II.

Also, a peremptory amendment will be filed to Section 310. Table O, RC-028 (Paraprofessional Human Services Employees, AFSCME) regarding the new Crime Scene Investigator title replacing the Crime Scene Technician.

Other amendments will likely be necessary although this cannot be projected at this time.

B) Statutory Authority:

Authorized by Section 8a(2) of the Personnel Code [20 ILCS 415/8 and 8a]

C) Schedule of date(s) for hearings, meetings, or other opportunities for public participation:

Specific criticisms, suggestions and/or comments can be forwarded to the Department of Central Management Services in writing by interested persons during the First Notice Period of Pay Plan amendments.

D) Date(s) agency anticipates First Notice(s):

A proposal to amend Sections 310.30, 310.40, 310.210, 310.230, 310.280, 310.320 and 310. Table O is anticipated to be filed in late June, 1995. The other projected amendments are anticipated to be filed at a later date.

E) Affect on small businesses, small municipalities or not for profit corporations:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code under the Governor. They do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency contact person for information:

Name: Mr. Michael Murphy
Address: Department of Central Management Services

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY, 1995 REGULATORY AGENDA

Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

G) Related rulemakings and other pertinent information:

Other amendments may be necessary based on emergent issues regarding State employee salary rates and policies. The Department of Central Management Services has proposed approximately nine amendments to the Pay Plan in an average six month period.

b) Part(s) (Heading and Code Citation): Merit and Fitness; 80 Ill. Adm. Code 3021) Rulemaking:

A) Description: The proposed amendment will implement new legislation regarding veteran's preference.

B) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415].

C) Scheduled meetings/hearing dates: No hearings or meetings are scheduled.

D) Date agency anticipates First Notice: Fall, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Name: Stephen W. Seiple
Address: 720 Stratton Building
Springfield, IL 62706
Telephone: (217) 782-9669

G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): Conditions of Employment; 80 Ill. Adm. Code 3031) Rulemaking:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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A) Description: The proposed amendment will implement and clarify military leave rules.

B) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415/1 et seq.]

C) Scheduled meeting/hearing dates: No hearing or meetings are scheduled.

D) Date agency anticipates First Notice: Fall, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Stephen W. Seiple
720 Stratton Building
Springfield, IL 62706
(217) 782-9669

G) Related rulemakings and other pertinent information:

d) Part(s) (Heading and Code Citation): The Travel Regulation Council; 80 Ill. Adm. Code 30001) Rulemaking:

A) Description: The proposed amendments will implement new legislation which changes (1) Section 3000.300(f) to reflect that in the event the federal mileage rate changes during the calendar year, the effective date of the change to the State rate will be the following July 1st; and (2) Section 3000.210(a) to reflect Form TA-2's shall be due no later than June 15th for the period January-June and no later than January 15th for July-December.

B) Statutory Authority: Implementing and authorized by Section 12-2 of the State Finance Act [30 ILCS 105/12-2].

C) Scheduled meeting/hearing dates: No hearing or meetings are scheduled.

D) Date agency anticipates First Notice: Fall, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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F) Agency contact person for information:

Stephen W. Seiple
720 Stratton Building
Springfield, IL 62706
(217) 782-9669

G) Related rulemakings and other pertinent information:

COMPTROLLER MERIT COMMISSION

JULY 1995 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Merit Commission Rules; 80 Ill. Adm. Code 1001) Rulemaking:

A) Description: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code.

Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from Jurisdiction B of the Merit Employment Code.

The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.

B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].

C) Scheduled meeting/hearing dates: July 17, 1995, August 22, 1995, September 19, 1995, October 17, 1995, November 21, 1995 and December 19, 1995.

D) Date agency anticipates First Notice: The Merit Commission will be submitting to the Index Department a Notice of Proposed Rule Amendment on September 1, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Marylou Lowder Kent, Chair
Address: Comptroller Merit Commission
325 West Adams Street
Springfield, IL 62704
Telephone: (217) 785-1127

G) Related rulemakings and other pertinent information: Notice of an amendment will be filed to clarify a discrepancy found in Section 100.90 of the current rules of the Merit Commission.

OFFICE OF THE COMPTROLLER

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rules for the Illinois Funeral & Burial Fund Act (38 Ill. Adm. Code 610)

1) Rulemaking:

- A) Description: The new rules that will be proposed will implement statutory changes made to the Illinois Funeral and Burial Funds Act.

- B) Statutory Authority: 225 ILCS 45/1

- C) Scheduled meeting/hearing dates: No meeting or hearing date scheduled.

- D) Date agency anticipates First Notice: Tentatively set for September 1, 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: There is no known affect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Maureen H. Lydon
Deputy General Counsel
Address: Office of the Comptroller
100 W. Randolph
Suite 15-500
Chicago, IL 60601
Telephone: 312-814-2451

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): State Agency Fee Imposition Rules. These will be new rules so there is no code citation yet.

1) Rulemaking:

- A) Description: Public Act 88-660 requires the Auditor General to create a form to be completed by State agencies detailing all fees paid to the State. The forms will be filed with the Comptroller and the information will be compiled into an annual report to the General Assembly. The rules shall specify the time of filing and other details of the reports.

- B) Statutory Authority: 15 ILCS 405/16.2.

- C) Scheduled meeting/hearing dates: This will be determined at a later

OFFICE OF THE COMPTROLLER

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date.

- D) Date agency anticipates First Notice: July 15, 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: None.

- F) Agency contact person for information:

Name: Kim L. Kirn, Assistant Legal Counsel
Address: Office of the Comptroller
Room 201, State Capitol
Springfield, IL 62706-0001
Telephone: (217) 782-5328

- G) Related rulemakings and other pertinent information: None.

- c) Part(s) (Heading and Code Citation): Direct Deposit, 38 Ill. Adm. Code 650.

1) Rulemaking:

- A) Description: The Comptroller's Office makes all electronic fund transfers ("EFT") for the State and these rules will govern the procedures used to make the payments by EFT.

- B) Statutory Authority: 15 ILCS 405/9.03.

- C) Scheduled meeting/hearing dates: This will be determined at a later date.

- D) Date agency anticipates First Notice: September 1, 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: None.

- F) Agency contact person for information:

Name: Kim L. Kirn, Assistant Legal Counsel
Address: Office of the Comptroller
Room 201, State Capitol
Springfield, IL 62706-0001
Telephone: (217) 782-5328

- G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF CORRECTIONS

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 850

1) Rulemaking:

- A) Description: This rulemaking will update the organization of the Department and the style and format of the rule.

- B) Statutory Authority: 5 ILCS 100/5-15 and 730 ILCS 5/3-2-2.

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: On or before January 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Donald N. Snyder, Jr., Deputy Director
Address: Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6001

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Freedom of Information, 2 Ill. Adm. Code 851

1) Rulemaking:

- A) Description: This rulemaking will update the style and format of the rule and procedures for processing requests.

- B) Statutory Authority: 5 ILCS 100/5-15 and 730 ILCS 5/3-2-2.

- C) Scheduled meeting/hearing dates: None scheduled

- D) Date agency anticipates First Notice: On or before January 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Donald N. Snyder, Jr., Deputy Director

DEPARTMENT OF CORRECTIONS

JULY 1995 REGULATORY AGENDA

Address: Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277

Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6001

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Records of Committed Persons, 20 Ill. Adm. Code 107

1) Rulemaking:

- A) Description: This rulemaking will update rules regarding early release in accordance with current legislation and recent Illinois Supreme Court rulings regarding eligibility.

- B) Statutory Authority: 730 ILCS 5/3-2-2 and 5/3-6-3.

- C) Scheduled meeting/hearing dates: None scheduled; the Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

- D) Date agency anticipates First Notice: On or before January 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Donald N. Snyder, Jr., Deputy Director
Address: Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6001

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Internal Investigations, 20 Ill. Adm. Code 112

1) Rulemaking:

- A) Description: This rulemaking will update style and format of rules and update procedures regarding internal investigations.

DEPARTMENT OF CORRECTIONS

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- B) Statutory Authority: 730 ILCS 5/3-2-2.
- C) Scheduled meeting/hearing dates: None scheduled; the Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before January 1, 1996.
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Donald N. Snyder, Jr., Deputy Director
Address: Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6001
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): School District #428, 20 Ill. Adm. Code 405

1) Rulemaking:

- A) Description: This rulemaking will update rules regarding educational programs for committed persons.
- B) Statutory Authority: 730 ILCS 5/3-2-2 and 5/3-6-2.
- C) Scheduled meeting/hearing dates: None scheduled; the Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before January 1, 1996.
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Name: Donald N. Snyder, Jr., Deputy Director
Address: Illinois Department of Corrections
1301 Concordia Court

DEPARTMENT OF CORRECTIONS

JULY 1995 REGULATORY AGENDA

- P.O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6001
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Discipline and Grievances, 20 Ill. Adm. Code 504
- 1) Rulemaking:
- A) Description: This rulemaking will further clarify and update procedures regarding discipline and grievances; and further define offenses and maximum penalties.
- B) Statutory Authority: 730 ILCS 5/3-2-2, 5/3-6-4, 3-8-7, 3-8-8, 3-10-8, and 3-10-9.
- C) Scheduled meeting/hearing dates: None scheduled; the Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before January 1, 1996.
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Donald N. Snyder, Jr., Deputy Director
Address: Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6001
- G) Related rulemakings and other pertinent information: None

STATE BOARD OF EDUCATION

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- a) Part(s) (Heading and Code Citation): Certification; 23 Ill. Adm. Code 25.

1) Rulemaking:

- A) Description: Part 25 will be amended in response to P.A. 89-6, which amended the Illinois Administrative Procedure Act effective March 6, 1995. Licensing agencies are authorized to refuse to issue or to renew, or to revoke or suspend, the license of a person more than 30 days delinquent in the payment of child support. Further, licensing agencies are specifically directed by P.A. 89-6 not to renew licenses of persons more than 30 days delinquent if the Department of Public Aid has certified that no satisfactory arrangements have been made for the payment of past and current child support.

These provisions encompass certificates issued by the State Board. The Board will need to promulgate rules covering its decisions regarding the issuance, renewal, and revocation of certificates under this Act and the "conditions, restrictions, or disciplinary action" it may impose upon the renewal of certificates as contemplated by the Act.

- B) Statutory Authority: 5 ILCS 100/1-40 and 10-65(c).

- C) Schedule meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: February 1, 1996.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

- G) Related rulemakings and other pertinent information: None.

- b) Part(s) (Heading and Code Citation): School Technology Program; 23 Ill. Adm. Code 575.

1) Rulemaking:

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- A) Description: These new rules will pertain to the provision of technology-based learning resources to school districts pursuant to P.A. 89-21. The rules will set forth the allowable uses of funding, the administrative provisions applicable to this grant program, and the requirements for local match.

- B) Statutory Authority: 5 ILCS 2-3.117.

- C) Schedule meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: February 1, 1996.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-0541

- G) Related rulemakings and other pertinent information: None.

- c) Part(s) (Heading and Code Citation): Evaluation of Certified School District Employees in Contractual Continued Service; 23 Ill. Adm. Code 50.

1) Rulemaking:

- A) Description: Part 50 will be amended to bring requirements regarding the evaluation of certified staff in a school district with a population over 500,000 into conformance with the relevant provisions of P.A. 89-15.

- B) Statutory Authority: 5 ILCS 5/24A-7.

- C) Schedule meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: December 15, 1995.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

STATE BOARD OF EDUCATION

JULY 1995 REGULATORY AGENDA

Name: Sally Vogl

Agency Rules Coordinator

Address: Illinois State Board of Education

100 North First Street

Springfield, Illinois 62777

Telephone: (217) 782-0541

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Dismissal of Tenured Teachers and Civil Service Employees Under Article 34; 23 Ill. Adm. Code 52.

1) Rulemaking:

A) Description: Part 52 will be amended to reflect changes effected by P.A. 89-15 regarding the dismissal procedures applicable to tenured teachers and civil service employees in a school district organized under Article 34 of the School Code.

B) Statutory Authority: 5 ILCS 5/34-85.

C) Schedule meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: December 15, 1995.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Name: Sally Vogl

Agency Rules Coordinator

Address: Illinois State Board of Education

100 North First Street

Springfield, Illinois 62777

Telephone: (217) 782-0541

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Disadvantaged Students Funds Plan - Districts Over 50,000 ADA; 23 Ill. Adm. Code 202.

1) Rulemaking:

A) Description: Part 202 will be amended to bring rules regarding the use of state Chapter 1 funds in a school district with an average daily attendance over 50,000 into

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conformance with the changes made in P.A. 89-15.

B) Statutory Authority: 5 ILCS 5/18-8(A)(5)(i)(1).

C) Schedule meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: November 1, 1995.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Name: Sally Vogl

Agency Rules Coordinator

Address: Illinois State Board of Education

100 North First Street

Springfield, Illinois 62777

Telephone: (217) 782-0541

G) Related rulemakings and other pertinent information: None.

HISTORIC PRESERVATION AGENCY

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rules Implementing "The Archaeological and Paleontological Resources Protection Act" (20 ILCS 3435); 17 Ill. Adm. Code 4190

1) Rulemaking:

- A) Description: Administrative regulations are being developed in relation to persons wishing to explore, excavate or collect archaeological or paleontological resources located on public lands.

- B) Statutory Authority: The "Archaeological and Paleontological Resources Protection Act" (20 ILCS 3435).

- C) Scheduled meeting/hearing date: No hearings are planned; however, persons wishing to receive a draft copy of these regulations when ready or wishing to provide information pertaining to the rulemaking may do so by contacting the person listed in (F) below.

- D) Date agency anticipates First Notice: While a specific date for submitting a notice of proposed rulemaking activity is not yet known, it is the Agency's desire to submit such a notice during the fall or winter of 1995.

- E) Effect on small businesses, small municipalities or not for profit corporations: It is not anticipated that the proposed rulemaking will have any effect on small businesses or not for profit corporations. Nor is it anticipated that small municipalities would be significantly affected by it as the provisions of "The Archaeological and Paleontological Resources Protection Act" already prohibit archaeological excavations on public property without first getting permission from the Illinois Historic Preservation Agency.

- F) Agency contact person for information:

Name: William L. Wheeler
Address: 500 East Madison, Springfield, IL 62701
Telephone: 217 785-9045 Fax: 217 524-7525

- G) Related rulemakings and other pertinent information: None.

- b) Part(s) (Heading and Code Citation): Tax Incentives to Rehabilitate Owner-Occupied Historic Residences; 17 Ill. Adm. Code 4150

1) Rulemaking:

HISTORIC PRESERVATION AGENCY

JULY 1995 REGULATORY AGENDA

- A) Description: Amendments are under consideration to clarify and modify a number of sections of the current regulation.
- B) Statutory Authority: Sections 20j-1 to 20j-8 of the Revenue Act of 1939, as amended (35 ILCS 205/20j-1 to 205/20j-8).
- C) Scheduled meeting/hearing date: No hearings are planned; however, persons wishing to receive a draft copy of these regulations when ready or wishing to provide information pertaining to the rulemaking may do so by contacting the person listed in (F) below.

- D) Date agency anticipates First Notice: While a specific date for submitting a notice of proposed rulemaking activity is not yet known, it is the Agency's desire to submit such a notice during the spring of 1996.

- E) Effect on small businesses, small municipalities or not for profit corporations: It is not anticipated that the proposed rulemaking will have any effect on small businesses or not for profit corporations. Nor is it anticipated that small municipalities would be significantly affected by it.

- F) Agency contact person for information:

Name: William L. Wheeler
Address: 500 East Madison, Springfield, IL 62701
Telephone: 217 785-9045 Fax: 217 524-7525

- G) Related rulemakings and other pertinent information: None.

- c) Part(s) (Heading and Code Citation): Regulations Governing Administrative Hearings; 17 Ill. Adm. Code 4210

1) Rulemaking:

- A) Description: Hearing regulations.

- B) Statutory Authority: Section 10-5 of the Illinois Administrative Procedure Act (5 ILCS 100/10-5).

- C) Scheduled meeting/hearing date: No hearings are planned; however, persons wishing to receive a draft copy of these regulations when ready or wishing to provide information pertaining to the rulemaking may do so by contacting the person listed in (F) below.

- D) Date agency anticipates First Notice: While a specific date

HISTORIC PRESERVATION AGENCY

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for submitting a notice of proposed rulemaking activity is not yet known, it is the Agency's desire to submit such a notice during the spring of 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: It is not anticipated that the proposed rulemaking will have any effect on small businesses or not for profit corporations. Nor is it anticipated that small municipalities would be affected by it.

F) Agency contact person for information:

Name: William L. Wheeler
Address: 500 East Madison, Springfield, IL 62701
Telephone: 217 785-9045 Fax: 217 524-7525

DEPARTMENT OF HUMAN RIGHTS

JULY 1995 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Discrimination Involving Credit; 38 Ill. Adm. Code 800.

1) Rulemaking:

A) Description: The Department intends to amend its existing regulations in order to clarify the regulations, to update statutory citations and to delete provisions duplicative of the Act.

B) Statutory Authority: Implementing Article 4 of the Illinois Human Rights Act [775 ILCS 5/Art 4] and authorized by Section 7-101(A) of the Illinois Human Rights Act [5 ILCS 7-101(A)].

C) Scheduled meeting/hearing dates: None scheduled at this time.

D) Date agency anticipates First Notice: December 15, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: All financial institutions will be subject to the rules, but the rules will not impose any additional obligations upon small businesses.

F) Agency contact person for information:

David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
(312) 814-6242 or T.D.D.: (312) 263-1579

G) Related rulemaking and other pertinent information: Not applicable.

b) Part(s) (Heading and Code Citation): Procedure Applicable to All Agencies; 44 Ill. Adm. Code 750.

1) Rulemaking:

A) Description: The Department intends to amend its existing regulations in order to clarify the regulations concerning the obligations of public contractors and eligible bidders, to update statutory citations and to add provisions regulating discrimination by public contractors and eligible bidders on the basis of handicap.

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B) Statutory Authority: Implementing Sections 2-105(A), 7-101(A) and 7-105(A) and authorized by Sections 2-105(A), 7-101(A) and 7-105(A) of the Illinois Human Rights Act (775 ILCS 2-105(A), 7-101(A) and 7-105(A)).

C) Scheduled meeting/hearing dates: None scheduled at this time.

D) Date agency anticipates First Notice: December 15, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: Yes, all public contractors and eligible bidders must provide documentation to the Department in accordance with the Department's regulations.

F) Agency contact person for information:

David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
(312) 814-6242 or TDD: (312) 263-1579

G) Related rulemakings and other pertinent information: Not applicable.

c) Part(s) (Heading and Code Citation): Joint Rules of the Department of Human Rights and the Human Rights Commission: Handicap Discrimination in Employment; 56 Adm. Code 2500.

1) Rulemaking:

A) Description: The Department intends to amend its existing regulations in order to clarify the regulations, to update statutory citations and to delete provisions duplicative of the Act.

B) Statutory Authority: Implementing Sections 2-102(A) and authorized by Sections 7-101(A) and 8-102(E) of the Illinois Human Rights Act (775 ILCS 2-102(A), 7-101(A) and 8-102(E)).

C) Scheduled meeting/hearing dates: None scheduled at this time.

D) Date agency anticipates First Notice: December 15, 1995.

E) Affect on small businesses, small municipalities, or not for profit corporations: All employers are subject to the Illinois

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Human Rights Act and its regulations on handicap.

F) Agency contact person for information:

David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
(312) 814-6242 or TDD: (312) 263-1579

G) Related rulemakings and other pertinent information: Not applicable.

d) Part(s) (Heading and Code Citation): Request for Review Regulations

1) Rulemaking:

A) Description: If Amendment 1 to HB 741, which is awaiting the Governor's signature, becomes law, the Department intends to amend its existing regulations in order to provide procedures for the filing and processing of Requests for Review of Dismissals.

B) Statutory Authority: Implementing Sections 2-102(A) and authorized by Section 7-101(A) of the Illinois Human Rights Act (775 ILCS 2-102(A) and 7-101(A)).

C) Scheduled meeting/hearings dates: None scheduled at this time.

D) Date agency anticipates First Notice: August 22, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: All employers are subject to the Illinois Human Rights Act and its regulations.

F) Agency contact person for information:

David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
(312) 814-6242 or TDD: (312) 263-1579

G) Related rulemakings or other pertinent information: Not applicable.

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e) Part(s) (Heading and Code Citation): Procedural.

1) Rulemaking:

A) Description: If Amendment 1 to HB 741, Which is awaiting the Governor's signature, becomes law, the Department may amend its regulations in order to provide for changes in charge processing procedures which may become necessary as the result of changes in the Act.

B) Statutory Authority: Implementing Sections 2-102(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 2-102(A), 7-101(A) and 7-105(A)].

C) Scheduled meeting/hearing dates: None scheduled at this time.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not for profit corporations: All employers are subject to the Illinois Human Rights Act and its regulations.

F) Agency contact person for information:

David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
(312) 814-6242 or TDD: (312) 263-1579

G) Related rulemakings or other pertinent information: Not applicable.

ILLINOIS STATE LABOR RELATIONS BOARD
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a) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization (2 Ill. Adm. Code 2500).

1) Rulemaking:

A) Description: This rulemaking will update the Boards' addresses, organizational chart and statutory citations.

B) Statutory Authority: Illinois Public Labor Relations Act, 5 ILCS 315 (1994).

C) Scheduled meeting/hearing dates: Hearings and/or meetings on the proposed changes have not been determined. This information will be included in the first notice of rulemaking.

D) Date agency anticipates First Notice: On or before December 29, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Lydia Mills Wendt
320 West Washington Street, Suite 500
Springfield, IL 62701
(217) 785-3155

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Freedom of Information (2 Ill. Ad. Code 2501).

1) Rulemaking:

A) Description: The rulemaking will primarily be clerical. The Boards' addresses will be updated. Additionally, the Boards will add two records that will be exempt from disclosure.

B) Statutory Authority: Illinois Public Labor Relations Act, 5 ILCS 315 (1994).

C) Scheduled meeting/hearing dates: Hearings and/or meetings on the proposed changes have not been determined. This information will be included in the first notice of rulemaking.

D) Date agency anticipates First Notice: On or before December 29,

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1995.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Lydia Mills Wendt
320 West Washington Street, Suite 500
Springfield, IL 62701
(217) 785-3155

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): General Procedures, (80 Ill. Adm. Code 1200).

1) Rulemaking:

A) Description: The Boards' plan to amend the "mail box rule", so as to put the burden of proof on the party that is claiming that a document was timely filed with the Boards. Also, the Boards will amend the existing regulations concerning the length of briefs and the requirements necessary for a party to receive a continuance.

B) Statutory Authority: Illinois Public Labor Relations Act, 5 ILCS 315 (1994).

C) Scheduled meeting/hearing dates: Hearing and/or meetings on the proposed changes have not been determined. This information will be included in the first notice of rulemaking.

D) Date agency anticipates First Notice: On or before December 29, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Lydia Mills Wendt
320 West Washington Street, Suite 500
Springfield, IL 62701
(217) 785-3155

G) Related rulemaking and other pertinent information: None

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d) Part(s) (Heading and Code Citation): Representation Proceedings (80 Ill. Adm. Code 1210).

1) Rulemaking:

A) Description: This rulemaking will attempt to streamline the Boards' investigation of representation petitions and address the authority of administrative law judges during the investigation of representation petitions.

B) Statutory Authority: Illinois Public Labor Relations Act, 5 ILCS 315 (1994).

C) Scheduled meeting/hearing dates: Hearings and/or meetings on the proposed changes have not been determined. This information will be included in the first notice of rulemaking.

D) Date agency anticipates First Notice: On or before December 29, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Lydia Mills Wendt
320 West Washington Street, Suite 500
Springfield, IL 62701
(217) 785-3155

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Unfair Labor Practice Proceedings (80 Ill. Adm. Code 1220).

1) Rulemaking:

A) Description: The Boards intend to clarify the existing regulations concerning the timely filing of answers.

B) Statutory Authority: Illinois Public Labor Relations Act, 5 ILCS 315 (1994).

C) Scheduled meeting/hearing dates: Hearings and/or meetings on the proposed changes have not been determined. This information will be included in the first notice of rulemaking.

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- D) Date agency anticipates First Notice: On or before December 29, 1995
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Lydia Mills Wendt
320 West Washington Street, Suite 500
Springfield, IL 62701
(217) 785-3155
- G) Related rulemakings and other pertinent information: None

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- a) Part(s) (Heading and Code Citation): Personnel Records Review Act, code citation is not yet determined.
- 1) Rulemaking:
- A) Description: The proposed rulemaking will provide the Illinois Department of Labor with standards necessary to administer and enforce the provisions of the Personnel Records Review Act, 820 ILCS 40/0.01-13 (1994), including but not limited to, defining statutory terms and setting forth an investigation and dispute resolution process.
- B) Statutory Authority: Personnel Records Review Act, 820 ILCS 20/12 (a) (1994).
- C) Scheduled meeting/hearing date: Not yet determined.
- D) Date agency anticipates First Notice: Not yet determined.
- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify an employer's duty to permit an employee to review, copy and correct personnel records. Further, the proposed rulemaking will clarify the statutory restrictions on an employer's gathering and use of information contained within its personnel records.
- F) Agency contact person for information:
- | | |
|-------------------|---|
| <u>Name:</u> | Scott D. Miller |
| <u>Address:</u> | Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601 |
| <u>Telephone:</u> | (312) 793-1805 |
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Prevailing Wage Act, code citation is not yet determined.
- 1) Rulemaking:
- A) Description: The proposed rulemaking implements Public Act 88-359, Sec. 5 (c) (codified at 820 ILCS 130/11b (c)), an amendment to the Prevailing Wage Act, 820 ILCS 130/0.01-12 (1994), that requires the Director of Labor to investigate alleged discharge or discipline of "whistle blowers" under

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the Act and to take affirmative actions to abate such conduct, including but not limited to, ordering the rehiring or reinstatement of whistle blowers with back pay.

B) Statutory Authority: Prevailing Wage Act, 820 ILCS 130/11b (c) (1994).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will implement a procedure under which the Director of Labor may order employers (including small businesses and not for profit corporations) to reinstate with back pay those individuals that they discharged or disciplined for "blowing the whistle" under the Prevailing Wage Act. Public sector employment is not within the remedial scope of the Act. Thus, small municipalities will not be affected by the proposed rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1805

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Arbitration Policies, Functions, and Procedures, 56 Ill. Adm. Code 110.

1) Rulemaking:

A) Description: The proposed rulemaking will update the regulations under the Labor Arbitration Services Act, 710 ILCS 15/1-14 (1994), and adjust the Illinois Department of Labor's administration of the Act accordingly, including but not limited to, increasing the administrative filing fee charged by the Illinois Arbitration Service and increasing the per diem fee charged by arbitrators, except Illinois Department of Labor employees.

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B) Statutory Authority: Labor Arbitration Services Act, 710 ILCS 10/3 (1994).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will increase the fees for services rendered by the Illinois Arbitration Service.

F) Agency contact person for information:

Name: Scott D. Miller
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1805

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Six Day Week Law, 56 Ill. Adm. Code 220.

1) Rulemaking:

A) Description: This proposed rulemaking will update the regulations under the One Day Rest in Seven Act, 820 ILCS 140/1-9 (1994), and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly to cover the practices of modern day business, including but not limited to, providing standards for the granting and denying of permits authorizing the employment of persons for 7 days of work for more than 8 weeks in any one year.

B) Statutory Authority: One Day Rest in Seven Act, 820 ILCS 140/6 (1994).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will affect small businesses and not for profit corporations by

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requiring them to substantiate the business necessity and economic conditions that call for such permits. The public sector is not within the remedial scope of the One Day Rest in Seven Act. Thus, small municipalities will not be affected by the proposed rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1805

G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Health and Safety, 56 Ill. Adm. Code 350.

1) Rulemaking:

A) Description: The proposed rulemaking will update the Illinois Department of Labor's occupational safety and health standards. Section 4 of the Health and Safety Act (820 ILCS 225/4 (1994)) states that all federal occupational safety and health standards promulgated, modified, or revoked by the U.S. Secretary of Labor shall be made rules of the Director of the Illinois Department of Labor. Adoption of these rules ensures that public sector workers are provided with the same level of protection that is afforded to private sector workers within the State.

B) Statutory Authority: Safety Inspection and Education Act, 820 ILCS 220/2 (k) (1994) and Health and Safety Act, 820 ILCS 225/7 (1994).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: Due to the preemptive effect of the federal OSH Act, private sector businesses are not affected. All public sector work sites will be affected.

Costs associated with compliance are for the correction of work site health and safety hazards, which will have a

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direct positive impact within the public sector work force. Savings will be realized due to fewer workplace injuries and occupational diseases, lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Variance procedures within the regulations allow public sector employers to petition for variance from standards when compliance cannot be achieved because of factors beyond their control.

F) Agency contact person for information:

1) Name: Scott D. Miller
Address: Ill. Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1805

2) Name: Lenore Killam
Address: Ill. Department of Labor
1 W. Old State Capital Plaza
Room 300
Telephone: (217) 782-9386

G) Related rulemakings and other pertinent information: None

- f) Part(s) (Heading and Code Citation): Right to Privacy in the Workplace Act, 56 Ill. Adm. Code 360.

1) Rulemaking:

A) Description: The proposed rulemaking will update the regulations under the Right to Privacy in the Workplace Act, 820 ILCS 55/1-20 (1994), and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly to increase the filing deadline for complaints and to reflect the changes in the workplace that have occurred after the Equal Employment Opportunity Commission issued regulations under the Americans with Disability Act.

B) Statutory Authority: Right to Privacy in the Workplace Act, 820 ILCS 55/15 (a) (1994).

C) Scheduled meeting/hearing date: Not yet determined.

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- D) Date agency anticipates First Notice: Not yet determined.
- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will provide a realistic filing deadline for an aggrieved person and will clarify an employer's duty under the Act.

F) Agency contact person for information:

Name: Scott D. Miller
 Address: Illinois Department of Labor
 160 North LaSalle Street
 Suite C-1300
 Chicago, Illinois 60601
 Telephone: (312) 793-1805

- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Rules and Regulations Relating to the Operation of Private Employment Agencies, 68 Ill. Adm. Code 680.100.

1) Rulemaking:

- A) Description: The proposed rulemaking will update the regulations under the Private Employment Agency Act, 225 ILCS 515/0.01-15 (1994), and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly to reflect recent amendments to the Act and to cover the modern day practices of employment agencies.

- B) Statutory Authority: Private Employment Agency Act, 225 ILCS 515/1 (1994).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify the duties of all businesses and not for profit corporations covered by the Private Employment Agency Act. The public sector is not within the remedial scope of the Private Employment Agency Act. Thus, small municipalities will not be affected by the proposed rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller

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Address: Illinois Department of Labor
 160 North LaSalle Street
 Suite C-1300
 Chicago, Illinois 60601
 Telephone: (312) 793-1805

- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Nurse Agency Licensing Act, 68 Ill. Adm. Code 690.

1) Rulemaking:

- A) Description: The proposed rulemaking will update the regulations under the Nurse Agency Licensing Act, 225 ILCS 510/1-15 (1994), and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly, including but not limited to, enhancing licensure requirements and establishing a late fee for an agency that applies to renew a license after its expiration date.

- B) Statutory Authority: Nurse Agency Licensing Act, 225 ILCS 510/15 (1994).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking will clarify the duties and liabilities of all businesses and not for profit corporations that employ, assign or refer nurses or certified nurse aids to health care facilities for a fee. The public sector is not within the remedial scope of the Nurse Agency Licensing Act. Thus, small municipalities will not be affected by the proposed rulemaking.

F) Agency contact person for information:

Name: Scott D. Miller
 Address: Illinois Department of Labor
 160 North LaSalle Street
 Suite C-1300
 Chicago, Illinois 60601
 Telephone: (312) 793-1805

- G) Related rulemakings and other pertinent information: None

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- a) Part(s)(Heading and Code Citation): Administration (59 Ill. Adm. Code 101)

1) Rulemaking:

A) Description

Part 101 will be amended to add new Section 101.70, Conduct of hearings and appeals. This new Section will govern all formal administrative hearings for the Department except those governed by the Department's rules at 59 Ill. Adm. Code 101.75, 106, 108, 112 and 135. It will also apply to hearings conducted by the Department as required by federal law.

- B) Statutory Authority: Implementing Section 10-5 of the Illinois Administrative Procedure Act (5 ILCS 5/10-5) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (20 ILCS 1705/5).

- C) Schedule meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with developmental disabilities in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

- D) Date agency anticipates First Notice: September 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect community providers of mental health and developmental disabilities services.

- F) Agency contact person for information:

Name: Karl Menninger, II
Bureau of Rules, Policies and Regulatory Review
Address: 403 Stratton Building
Springfield, IL 62765
Telephone: (217)782-6702

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- G) Related rulemakings and other pertinent: None.

- b) Part(s)(Heading and Code Citations): Recipient Rights (59 Ill. Adm. Code 111) Americans with Disabilities Act Grievance Procedures (4 Ill. Adm. Code 825)

1) Rulemaking:

A) Description

Part 111 is being amended to make Section 111.20, Services to individuals who are deaf, hard-of-hearing, deaf-blind or deafened (hearing impaired) and/or who use manual/visual communication, applicable to community agencies and to clarify the use of family members as interpreters for deaf or hard of hearing persons as well as to update terminology and statutory citations used in Part 111. Section 111.25, Services to Department recipients who are non-English or limited English speaking, is being added. This new Section was originally adopted as Section 111.20(b). Part 111 is also being amended to incorporate references to the Americans with Disabilities Act. In addition, new Section 111.30 will be added implementing the National Voter Registration Act of 1993 (P.L. 103-31).

Part 825 will be added to reference the Department's grievance procedures under Title II, Subtitle A of the Americans with Disabilities Act at 59 Ill. Adm. Code 111.10.

- B) Statutory Authority: Section 111.10 implementing Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.S. 794 (1995) and 45 CFR 84 (1994)), Title VI of the Civil Rights Act of 1964 (42 U.S.C.S. 2000d(1) (1995), the Age Discrimination Act of 1975 (42 U.S.C.S. 6101 (1995) and the Americans with Disabilities Act (42 U.S.C.S. 12101 (1995); Sections 111.20 and 111.25 implementing Sections 2-102(a) and 4-205 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102(a) and 4-205); Section 111.30 implementing the National Voter Registration Act of 1993 (P.L. 103-31) and authorized by Section 5-104 of the Mental Health Developmental Disabilities Code (405 ILCS 5/5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (20 ILCS 1705/5).

- C) Schedule meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with

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developmental disabilities in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: August 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: Only Section 111.20 of this rulemaking will affect non-profit community providers of mental health and developmental disabilities services.

F) Agency contact person for information:

Name: Karl Menninger, II
Bureau of Rules, Policies and Regulatory Review
Address: 403 Stratton Building
Springfield, IL 62765
Telephone: (217)782-6702

G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Treatment and Habilitation Services (59 Ill. Adm. Code 112)

1) Rulemaking:

A) Description:

This part regulates the utilization review process, the admission, treatment and habilitation of persons with mental retardation, physical and dental examinations of recipients of services, the use of informed consent, release and burial of deceased recipient, protection of human subjects, and the use of narcotics and the use and administration of psychotropic drugs in Department facilities.

Sections 112.80 will be amended to delete the list of narcotics and psychotropic drugs for use in Department facilities since this is no longer required by statute. Section 112.90 will be amended to implement Sections 2-107.1 and 2-107.2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-107.1].

B) Statutory Authority: Implementing Sections 2-107.1, 2-107.2, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the

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Mental Health and Developmental Disabilities Code [405 ILCS 5/2-107.1, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

C) Schedule meeting/hearing date: The Department has not scheduled any hearings on this rulemaking.

D) Date agency anticipates First Notice: August 1995.

E) Affect on small businesses, small municipalities or not for profit corporations? This rulemaking will not affect small business, small municipalities or not for profit corporations. This rulemaking will only affect Department-operated facilities

F) Agency contact person for information:

Name: Karl Menninger, II
Bureau of Rules, Policies and Regulatory Review
Address: 403 Stratton Building
Springfield, IL 62765
Telephone: (217)782-6702

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill. Adm. Code 115)

1) Rulemaking:

A) Description:

Part 115 will be amended to reflect current Department policy.

B) Statutory Authority: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104 and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

C) Schedule meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with

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developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: October 1995.

E) Affect on small businesses, small municipalities or not for profit corporations? This rulemaking will affect community providers of community-integrated living arrangements residential services.

F) Agency contact person for information:

Name: Karl Menninger, II
Bureau of Rules, Policies and Regulatory Review
Address: 403 Stratton Building
Springfield, IL 62765
Telephone: (217)782-6702

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Residential Programs for Persons with Mental Illness (59 Ill. Adm. Code 200)

1) Rulemaking:

A) Description:

New Part 200 will pull together in one set of rules the standards and licensure requirements for community residential programs for persons with mental illness.

B) Statutory Authority: Implementing the Community Services Act [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/5-104 and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5]).

C) Schedule meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the

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formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: December 1995.

E) Affect on small businesses, small municipalities or not for profit corporations? This rulemaking will affect community providers of residential programs for persons with mental illness.

F) Agency contact person for information:

Name: Karl Menninger, II
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Address: 403 Stratton Building
Springfield, IL 62765
Telephone: (217)782-6702

G) Related rulemakings and other pertinent information: None.

f) Part(s) (Heading and Code Citation): Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers (59 Ill. Adm. Code 258)

1) Rulemaking:

A) Description:

Part 258 will be amended to clarify that:

Participating mental health center application is voluntary; and

For community service areas not served by a participating mental health center, the Department shall designate through the continuity of care agreements an agency or agencies to serve as a pre-screener.

B) Statutory Authority: Implementing P.A. 88-484, effective September 10, 1993 and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/5-104 and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5]).

C) Schedule meeting/hearing date: The Department has not scheduled

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AND DEVELOPMENTAL DISABILITIES

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any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: July 1995.

E) Affect on small businesses, small municipalities or not for profit corporations? This rulemaking will affect community providers of mental health services.

F) Agency contact person for information:

Name: Karl Menninger, II
Address: Bureau of Rules, Policies and Regulatory Review
403 Stratton Building
Springfield, IL 62765
Telephone: (217)782-6702

G) Related rulemakings and other pertinent information: The amendments to Part 258 will be proposed as part of an agreement made with the Illinois Association of Community Mental Health Agencies prior to the adoption of Part 258.

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a) Part(s) (Heading and Code Citation): Ambulatory Surgical Treatment Center Licensing Requirements; 77 Ill. Adm. Code 205

1) Rulemaking:

A) Description: This proposed revision will clarify that ambulatory surgical treatment center clients can be discharged to other locations than home.

B) Statutory Authority: Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 157-8.1 et seq.) [210 ILCS 5]

C) Schedule meeting/hearing dates: The proposed rule will be discussed at the ASnC Advisory Board meeting scheduled for September 6, 1995.

D) Date agency anticipates First Notice: October 6, 1995

E) Affect on small businesses, small municipalities or not for profit corporation: It will affect ambulatory surgical treatment centers.

F) Agency contact person for information: Interested persons may make inquiries and present their comments by writing to:

Name: Catherine Stokes
Address: Division of Health Care Facilities and Programs
525 West Jefferson
Springfield, Illinois 62761
(217) 782-7412

G) Related rulemakings and other pertinent information:

b) Part(s) (Heading and Code Citation): Illinois Home Health Agency Code; 77 Ill. Adm. Code 245

1) Rulemaking:

A) Description: The proposed rule makes several revisions, as follows:

-- Adds definitions for Act, Audiologist and Podiatrist.
Replaces the definition of "public health nurse" with a requirement for completion of a baccalaureate degree program approved by the National League for Nursing and at least one year of nursing experience.

-- Adds references to allow podiatrists to order services.

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- Amends requirements related to clinical records to be consistent with HCFA requirements and allow faxed copies.
- Amends training programs for home health aides to be consistent with the Department's nurse aide training rules in 77 Ill. Adm. Code 395.

B) Statutory Authority: Home Health Agency Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 2801 et seq.) [210 ILCS 55]

C) Schedule meeting/hearing dates: The proposed rule was reviewed and approved by the Home Health Advisory Committee on April 12, 1995.

D) Date agency anticipates First Notice: August 15, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect home health agencies.

F) Agency contact person for information:

Name: Catherine Stokes
Address: Division of Health Care Facilities and Programs
525 West Jefferson
Springfield, Illinois 62761
(217) 782-7412

G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): Hospital Licensing Requirements; 77 Ill. Adm. Code 250

1) Rulemaking:

A) Description: These proposed rules make several revisions, as follows:

-- Amends requirements to allow event-related shelf-life for hospital sterilized items.

-- Amends requirements to delete gowning requirements and require the hospital's Infection Control Committee to establish a dress code for employees and visitors in compliance with the "Guidelines for Perinatal Care."

-- Epidemic and communicable disease reporting requirements are updated to reference the Control of Communicable Disease Code (77 Ill. Adm. Code 690). Requirements for circumcision of infants are clarified.

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-- In accordance with Public Act 88-689 (effective 1-1-96), hospitals are required to demonstrate that they have adopted procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital, and procedures designed to aid in identifying abducted infants that are recovered.

B) Statutory Authority: Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.) [210 ILCS 85]

C) Schedule meeting/hearing dates: The proposed rule was reviewed and approved by the Hospital Licensing Board at its May 10, 1995 meeting.

D) Date agency anticipates First Notice: July 17, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect hospitals.

F) Agency contact person for information:

Name: Catherine Stokes
Address: Division of Health Care Facilities and Programs
525 West Jefferson
Springfield, Illinois 62761
(217) 782-7412

G) Related rulemakings and other pertinent information:

d) Part(s) (Heading and Code Citation): Hospice Programs; 77 Ill. Adm. Code 280

1) Rulemaking:

A) Description: As provided in House Bill 1320, the Department will develop standards for freestanding "hospice residences" relating to safety, cleanliness, admission, discharge, transfer of residents, medical and support services, procedures for reporting abuse, maintenance of records, and resident access to those records.

B) Statutory Authority: Hospice Program Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6101 et seq.) [210 ILCS 60]

C) Scheduled meeting/hearing dates: Written drafts will be shared with the hospice industry and other interested parties.

D) Date agency anticipates First Notice: December 4, 1995

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E) Affect on small businesses, small municipalities or not for profit corporations: It will affect hospice programs, hospitals and nursing homes.

F) Agency contact person for information:

Name: Catherine Stokes
Address: Division of Health Care Facilities and Programs
525 West Jefferson
Springfield, Illinois 62761
(217) 782-7412

G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Emergency Medical Services Code, Illinois Trauma Code and Trauma Nurse Specialist Code; 77 Ill. Adm. Code 535; 77 Ill. Adm. Code 540; and 77 Ill. Adm. Code 542

1) Rulemaking:

A) Description: The Department will propose a new Part and repeal the above-referenced Parts in response to Senate Bill 618. This Senate Bill amended the Emergency Medical Services Act repealing and replacing most of the Act with provisions governing the Department's designation of regions statewide for the planning, delivery, and evaluation of pre-hospital emergency medical services, trauma service, non-emergency medical services, and non-emergency medical transports. Provision will be made for certification and licensure of service providers, establishment of pediatric emergency care projects, awarding of grants, establishment of advisory councils, and enforcement of disciplinary measures.

B) Statutory Authority: Senate Bill 618

C) Schedule meeting/hearing dates: Public hearings will be held in Chicago and Springfield to critique a written draft in October 1995.

D) Date agency anticipates First Notice: December 4, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect hospitals and all pre-hospital service providers, including but not limited to police and fire departments, ambulance companies, etc.

F) Information concerning this regulatory agenda shall be directed to:

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Name: Leslee Stein-Spencer
Address: Division of Emergency Medical Services and Highway Safety
525 West Jefferson
Springfield, Illinois 62761
(217) 785-2080

G) Other pertinent information concerning this amendment:

f) Heading of the Part: Children's Respite Care Center Demonstration Program Code; 77 Ill. Adm. Code 260

1) Rulemaking:

A) Description: In accordance with House Bill 1322, the Department will develop requirements to allow the establishment of a Children's Respite Care Center alternative health care models. These models will provide respite for medically frail, technologically dependent, clinically stable children, up to age 18, for a period of one to 14 days in a home-like environment that serves no more than 10 children at a time.

B) Statutory Authority: The Alternative Health Care Delivery Act [210 ILCS 3]

C) Scheduled meeting/hearing dates: Written drafts will be shared with interested parties.

D) Date agency anticipates First Notice: November 1, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: This will affect organizations that choose to seek licensure as a Children's Respite Care Center.

F) Agency contact person for information:

Name: Patricia Heidenreich
Address: Office of Health Care Regulation
525 West Jefferson
Springfield, Illinois 62761
(217) 782-2913

G) Related rulemakings and other pertinent information:

g) Part(s) (Heading and Code Citation): Long-Term Care for Under Age 22 Facilities Code; 77 Ill. Adm. Code 390

1) Rulemaking:

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A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

C) Schedule meeting/hearing dates: This will be discussed at the next Long-Term Care Facility Advisory Board meeting scheduled for September 20, 1995.

D) Date agency anticipates First Notice: October 16, 1995

E) Affect on small business, small municipalities or not for profit corporations: It will affect nursing homes.

F) Agency contact person for information:

Name: Patricia Heidenreich
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761
(217) 782-2913

G) Related and other pertinent information:

h) Part(s) (Heading and Code Citation): Skilled Nursing and Intermediate Care Facilities Code; 77 Ill. Adm. Code 300

1) Rulemaking:

A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

C) Schedule meetings/hearing dates: This will be discussed at the next Long-Term Care Facility Advisory Board meeting scheduled for

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September 20, 1995.

D) Date agency anticipates First Notice: October 16, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect nursing homes.

F) Information concerning this regulatory agenda shall be directed to:

Name: Patricia Heidenreich
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761
(217) 782-2913

G) Related rulemakings and other pertinent information:

i) Part(s) (Heading and Code Citation): Sheltered Care Facilities Code; 77 Ill. Adm. Code 330

1) Rulemaking:

A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

C) Scheduled meeting/hearing dates: This will be discussed at the next Long-Term Care Facility Advisory Board meeting scheduled for September 20, 1995.

D) Date agency anticipates First Notice: October 16, 1995

E) Affect small business, small municipalities or not for profit corporations: It will affect nursing homes.

F) Agency contact person for information:

Name: Patricia Heidenreich
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761

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(217) 782-2913

G) Related rulemakings and other pertinent information:

j) Part(s) (Heading and Code Citation): Illinois Veterans' Home Code; 77 Ill. Adm. Code 340

1) Rulemaking:

A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

C) Schedule meeting/hearing dates: This will be discussed at the next Long-Term Care Facility Advisory Board meeting scheduled for September 20, 1995.

D) Date agency anticipates First Notice: October 16, 1995

E) Affect small business, small municipalities or not for profit corporations: It will affect nursing homes.

F) Agency contact person for information:

Name: Patricia Heidenreich
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761
(217) 782-2913

G) Related rulemakings and other pertinent information:

k) Part(s) (Heading and Code Citation): Intermediate Care for the Developmentally Facility Code; 77 Ill. Adm. Code 350

1) Rulemaking:

A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general

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supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

C) Scheduled meeting/hearing dates: This will be discussed at the next Long-Term Care Facility Advisory Board meeting scheduled for September 20, 1995.

D) Date agency anticipates First Notice: October 16, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect nursing homes.

F) Agency contact person for information:

Name: Patricia Heidenreich
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761
(217) 782-2913

G) Related rulemakings and other pertinent information:

l) Part(s) (Heading and Code Citation): Minimum Standards for the Licensure of Community Living Facilities; 77 Ill. Adm. Code 370

1) Rulemaking:

A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

C) Scheduled meeting/hearing dates: A written draft will be sent to all licensed community living facilities by September 1, 1995.

D) Date agency anticipates First Notice: October 16, 1995

E) Affect small business, small municipalities or not for profit

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corporations: It will affect community living facilities.

F) Agency contact person for information:

Name: Patricia Heidenreich
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761
(217) 782-2913

G) Related rulemakings and other pertinent information:

m) Part(s) (Heading and Code Citation): Supportive Residence Licensing Code; 77 Ill. Adm. Code 385

1) Rulemaking:

A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

C) Scheduled meeting/hearing dates: A written draft will be sent to all licensed locations by September 1, 1995.

D) Date agency anticipates First Notice: October 16, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect supportive residences.

F) Agency contact person for information:

Name: Patricia Heidenreich
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761
(217) 782-2913

G) Related rulemakings and other pertinent information:

n) Part(s) (Heading and Code Citation): Hospital Licensing Requirements; 77 Ill. Adm. Code 250

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1) Rulemaking:

A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

C) Scheduled meeting/hearing dates: This will be discussed at the next Hospital Licensing Board meeting scheduled for November 8, 1995.

D) Date agency anticipates First Notice: December 8, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect hospitals.

F) Agency contact person for information:

Name: Catherine Stokes
Address: Division of Health Care Facilities and Programs
525 West Jefferson
Springfield, Illinois 62761
(217) 782-7412

G) Other pertinent information concerning this amendment:

o) Part(s) (Heading and Code Citation): Hospice Programs; 77 Ill. Adm. Code 280

1) Rulemaking:

A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

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C) Scheduled meeting/hearing dates: A written draft will be sent to all licensed locations by October 1, 1995.

D) Date agency anticipates First Notice: November 1, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect hospice programs.

F) Agency contact person for information:

Name: Catherine Stokes
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761
(217) 782-2913

G) Other pertinent information concerning this amendment:

p) Part(s) (Heading and Code Citation): Illinois Home Health Agency Code; 77 Ill. Adm. Code 245

1) Rulemaking:

A) Description: In accordance with Senate Bill 358, the Department will add provisions for a background check for any new employee who has responsibilities to provide assistance with meals, dressing, movement, bathing or other personal needs or maintenance or general supervision and oversight not otherwise licensed by the Department of Professional Regulation or the Department of Public Health or for whom a background check is required by another law of this State.

B) Statutory Authority: Senate Bill 358

C) Scheduled meeting/hearing dates: The Home Health Advisory Board will review at their next meeting scheduled for October 25, 1995.

D) Date agency anticipates First Notice: December 1, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect home health agencies.

F) Agency contact person for information:

Name: Catherine Stokes
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761

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(217) 782-2913

G) Related rulemakings and other pertinent information:

q) Part(s) (Heading and Code Citation): Long-Term Care Facilities Licensing Code; 77 Ill. Adm. Code 320

1) Rulemaking:

A) Description: This is an entirely new Part that will consolidate the provisions of four existing Parts authorized by the Nursing Home Care Act. The four existing Parts are:

- Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

In addition, requirements will not be automatically transferred to the new rule. Provisions no longer needed will be deleted. Other areas will be clarified.

B) Statutory Authority: Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) (210 ILCS 45)

C) Scheduled meeting/hearing dates: A meeting will be held associated with the September 20, 1995 Long-Term Care Facility Advisory Board meeting to discuss the current draft. This draft has been extensively reviewed by this Board.

D) Date agency anticipates First Notice: December 31, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: It will affect Long-Term Care Facilities.

F) Agency contact person for information: to:

Name: Patricia A. Heidenreich
Address: Office of Health Care Regulations
525 West Jefferson
Springfield, Illinois 62761
(217) 782-2913

G) Related rulemakings and other pertinent information:

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- a) Part(s) (Heading and Code Citation): Narrative and Planning Policies; 77 Ill. Adm. Code 1100

1) Rulemaking:

A) Description: Part 1100 will be amended to reflect changes involving need forecasts, occupancy targets, and planning areas for various specialty services provided by health care facilities, to be reviewed by the Health Facilities Planning Board under the Certificate of Need Program.

B) Statutory Authority: Health Facilities Planning Act, [20 ILCS 3960].

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to *Illinois Register* publication. It is anticipated that several proposed amendments to this Part will be filed during the last half of 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: Rulemakings to Part 1100 will affect health care facilities that are small businesses or not for profit corporations.

F) Agency contact person for information:

Name: Gail M. DeVito
Address: Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, IL 62761
Telephone: (217) 782-6187

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Processing, Classification Policies and Review Criteria; 77 Ill. Adm. Code 1110

1) Rulemaking:

A) Description: Part 1100 will be amended to reflect changes in the specific review criteria under each specialty service provided by health care facilities. The Health Facilities Planning Board is in the process of reviewing each specialty covered under this Part.

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- B) Statutory Authority: Health Facilities Planning Act, [20 ILCS 3960].

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to *Illinois Register* publication. It is anticipated that several proposed amendments to this Part will be filed during the last half of 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: Rulemakings to Part 1100 will affect health care facilities that are small businesses or not for profit corporations.

F) Agency contact person for information:

Name: Gail M. DeVito
Address: Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, IL 62761
Telephone: (217) 782-6187

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Health Facilities Planning Financial and Economic Feasibility Review; 77 Ill. Adm. Code 1120

1) Rulemaking:

A) Description: The Health Facilities Planning Board is in the process of reviewing Part 1120 to determine the need for new criteria or revisions to existing criteria. These standards are the basis for all elements of the financial and economic review performed as part of the Certificate of Need process. Amendments will involve the type and scope of financial standards utilized for evaluation of a prospective health care facility project.

B) Statutory Authority: Health Facilities Planning Act, [20 ILCS 3960].

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to *Illinois Register* publication.

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It is anticipated that several proposed amendments to this Part will be filed during the last half of 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: Rulemakings to Part 1120 will affect health care facilities that are small businesses or not for profit corporations.

F) Agency contact person for information:

Name: Gail DeVito
Address: Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, IL 62761
Telephone: (217) 782-6187

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Health Facilities Planning Board Procedural Rules; 77 Ill. Adm. Code 1130

1) Rulemaking:

- A) Description: Part 1130 contains the Health Facilities Planning Board's procedural rules, including reporting requirements for permit holders and exemption requirements for changes of ownership of health care facilities and for the acquisition of major medical equipment for entities other than health care facilities. This Part will be amended to toll the permit time during litigation between the permit holder and a competitor until a settlement is reached.

- B) Statutory Authority: Health Facilities Planning Act, [20 ILCS 3960].

- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: Notice of proposed amendments to be published by October 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: Rulemakings to Part 1130 will affect health care facilities that are small businesses or not for profit corporations.

F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

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Name: Gail M. DeVito
Address: Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, IL 62761
Telephone: (217) 782-6187

- G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Practice and Procedure in Administrative Hearings; 77 Ill. Adm. Code 1180

1) Rulemaking:

- A) Description: Part 1180 addresses the process of administrative hearings held for resolution of project denials under the Certificate of Need program. The rules will be amended to revise the responsibilities of the Administrative Law Judge, to revise procedural steps required of applicants involved in administrative hearings, and to clarify required data under the rules.

- B) Statutory Authority: Health Facilities Planning Act, [20 ILCS 3960].

- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to Illinois Register publication. It is anticipated that several proposed amendments to this Part will be filed during the last half of 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: Rulemakings to Part 1180 will affect health care facilities that are small businesses or not for profit corporations.

F) Agency contact person for information:

Name: Gail M. DeVito
Address: Administrative Rules Coordinator
Division of Governmental Affairs
535 West Washington, Fifth Floor
Springfield, IL 62761
Telephone: (217) 782-6187

- G) Related rulemakings and other pertinent information: None

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- f) Part(s) (Heading and Code Citation): Public Notice of Opportunity for Public Hearing and Public Procedures; 77 Ill. Adm. Code 1200

1) Rulemaking:

- A) Description: Part 1200 addresses the process of public hearings held concerning projects and rulemakings under the Certificate of Need program. The rules will be amended to revise procedural steps required of applicants and to revise rulemaking procedures.

- B) Statutory Authority: Health Facilities Planning Act, [20 ILCS 3960].

- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to *Illinois Register* publication. It is anticipated that several proposed amendments to this Part will be filed during the last half of 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: Rulemakings to Part 1200 will affect health care facilities that are small businesses or not for profit corporations.

- F) Agency contact person for information:

Name: Gail M. DeVito
Address: Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, IL 62761
Telephone: (217) 782-6187

- G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): Structural Pest Control Code; 77 Ill. Adm. Code 830

1) Rulemaking:

- A) Description: Proposed amendments to the rules will revise filing procedures for those individuals seeking to renew a license, registration or certification under the Structural Pest Control Act; amend the Stop Sale/Use requirements to allow the recipient of a notice the opportunity to submit an alternative proposal to the

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Department which, if acceptable, would eliminate storing/disposing of pesticides that are no longer registered or authorized for use, sale or distribution in the State; list additional violations as Type A, B or C under Section 830.710 concerning administrative fines; and repeal the avicide permit regulations. New rules will be proposed in accordance with Section 14.6 of the Environmental Protection Act (EPA) to serve as an alternative to the groundwater protection technical regulations addressed in 35 Ill. Adm. Code 615 and 616 administered by the Illinois Environmental Protection Agency (IEPA). These new rules will impact approximately 60 existing commercial structural pest control businesses with pesticide storage units, which are located within the minimum and maximum potable water well setback zones or regulated recharge areas established under the EPA and the Illinois Groundwater Protection Act. Definitions will be added to explain terms used in the new rules. Additional laws and rules citations will also be addressed in this rulemaking.

- B) Statutory Authority: Structural Pest Control Act, [225 ILCS 235].

- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: During the third or fourth quarter of 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may provide less burdensome regulations, with respect to groundwater protection at affected facilities, than existing regulations currently administered by the IEPA. The amendment to the Stop Sale/Use requirements will allow the regulated community to propose an alternative plan which may be more cost-effective than storing unusable or unwanted pesticides tagged by the Department indefinitely or paying the high cost for the disposal of these products. Repeal of the avicide permit rules will eliminate the associated paperwork and therefore the need for the regulated industry to seek written approval via a permit from the Department prior to conducting avicide activities with certain chemicals. Changes to the administrative fines will address violations which were unintentionally omitted from previous rulemaking.

- F) Agency contact person for information:

Name: Gail M. DeVito
Address: Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

JULY 1995 REGULATORY AGENDA

Springfield, Illinois 62761

Telephone: (217)782-6187

G) Related rulemakings and other pertinent information: None.h) Part(s) (Heading and Code Citation): Hearing Aid Consumer Protection Code; 77 Ill. Adm. Code 6821) Rulemaking:

A) Description: The Hearing Aid Consumer Protection Act will be automatically repealed, through the Regulatory Agency Sunset Act, on December 31, 1995 and will be replaced by the Hearing Instrument Consumer Protection Act (Senate Bill 398). The proposed rulemaking, which will implement SB 398, will provide a refund period of 30 business days; remove a provision for temporary licenses; specify requirements applicable to mail order hearing aid companies; provide the consumer with a 45 day right to cancel an order; make it the responsibility of the consumer to return the instrument to the seller; make it unlawful for a seller to hold a consumer responsible for any liability or obligation if the consumer claims not to have received merchandise, and the merchandise was not sent by certified mail; require individuals to make application for licensure under the Act within 12 months of passing written and practical examinations; allow for full-time graduate students in Audiology to dispense under the supervision of a licensed dispenser; exempt licensed audiologists from taking written examinations; and specify other requirements related to licensure.

B) Statutory Authority: The Hearing Instrument Consumer Protection Act [225 ILCS 50].C) Scheduled meeting/hearing dates: Public comments will be accepted by the Department during the first notice comment period. Any other meetings or public hearings will be scheduled by the Department, if requested.D) Date agency anticipates First Notice: October 1995E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect hearing instrument dispensers.F) Agency contact person for information:Name: Gail M. Devito
Address: Administrative Rules Coordinator

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

JULY 1995 REGULATORY AGENDA

Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

Telephone: (217)782-6187

G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF REHABILITATION SERVICES
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b) Part(s) (Heading and Code Citation): Authorizations; 89 Ill. Adm. Code 520

1) Rulemaking:

- A) Description: Amendments to this Part are anticipated to clarify that DORS' fees for services are the most allowable by DORS and that any comparable benefit (89 Ill. Adm. Code 567) available to customers are deducted from DORS' allowable fees to determine any liability DORS may have for payment for any portion of services.
- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: September 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Warrner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

c) Part(s) (Heading and Code Citation): Misspent Funds; 89 Ill. Adm. Code 527

1) Rulemaking:

A) Description: Amendments are anticipated to clarify the procedures for the collection of funds from individuals who are Personal Assistants through the Home Services Program when funds are overpaid or incorrectly paid to those individuals.

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a) Part(s) (Heading and Code Citation): Appeals and Hearings; 89 Ill. Adm. Code 510

1) Rulemaking:

A) Description: Amendments are anticipated to clarify when rulings issued as a result of administrative action heard under this Part become final.

Further changes are anticipated due to possible changes in the method under which appeals for the Home Services Program are heard. These changes will be dependent upon the ability of DORS to reach agreement with the Illinois Department of Public Aid and approval of the agreement with the Federal Health Care Financing Administration.

Additionally, revisions to existing parts are anticipated to clarify inclusion of school appeals.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: August 1995, November 1995, and January 1996

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, Illinois 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

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- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405] and the Illinois Grant Funds Recovery Act [30 ILCS 705].
- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: December 1995
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896
- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.
- d) Part(s) (Heading and Code Citation): Criteria for the Evaluation of Programs of Service in Rehabilitation Facilities; 89 Ill. Adm. Code 530
- 1) Rulemaking:
- A) Description: Revision to existing parts to add information regarding additional accreditation councils and accreditation standards.
- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: Fall 1995

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- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896
- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.
- e) Part(s) (Heading and Citation Code): Services; 89 Ill. Adm. Code 590
- 1) Rulemaking:
- A) Description: Numerous amendments are anticipated on this Part. Most anticipated amendments will be to clarify the conditions under which DORS provides certain services.
Specific amendments are anticipated to be made to Subparts C, D, F, G, and K.
Amendments to Subpart G are also anticipated to expand DORS' Computer and Sensory Aid Loan Program to cover all individuals with disabilities rather than only those individuals who are blind and visually impaired.
- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: Because of the number of changes, they will be made throughout FY 96.
- E) Affect on small businesses, small municipalities, or not for profit corporations: None.

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this time.

g) Part(s) (Heading and Code Citation): Vending Facility Program For The Blind; 89 Ill. Adm. Code 650

1) Rulemaking:

A) Description: Revision to existing Parts to clarify meaning.

B) Statutory Authority: The Randolph-Sheppard Vending Stand Act [20 ILCS 2420/1].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Fall 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

h) Part(s) (Heading and Code Citation): Eligibility; 89 Ill. Adm. Code 682

1) Rulemaking:

A) Description: Specifically, Section .230. Amendments to this Part are to clarify that all assets of spouses will be considered joint assets and the value divided equally unless a written premarital legal agreement exists. In the case where a legal premarital agreement exists, only the assets shared in common shall be considered.

DEPARTMENT OF REHABILITATION SERVICES

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F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

f) Part(s) (Heading and Code Citation): Projects with Industry; 89 Ill. Adm. Code 640

1) Rulemaking:

A) Description: Amendments to this Part are anticipated to expound on the specific provisions of the relationship between DORS and entities with approved Projects with Industry.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: October 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at

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B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: May 1996

E) Affect on small businesses, small municipalities, or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

i) Part(s) (Heading and Code Citation): Provider Requirements, Type Services, and Rates of Payment; 89 Ill. Adm. Code 686

1) Rulemaking:

A) Description: Amendments to Section .10 are needed to clarify that PAs will be paid twice a month, and to state that federal and state income tax can be withheld if the PA completes and returns to DORS two separate W-4 forms.

Revisions to this Part are needed to state in order to be employed by a customer as a PA, an individual must: be at least 16 years of age and not employed during school hours or minors between 14 and 16 years of age who are not employed during school hours and who meet the Child Labor Law requirements requiring an employment certificate.

Also revisions to this Part regarding the upcoming Health Care Financing Administration (HCFA) requirements that HSP Waiver providers sign a three-party agreement to enroll as a Medicaid

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Provider.

Additionally, amendments to .310 are anticipated to comply with OSHA and Underwriters Lab Safety standards and to comply with the requirements included in the Emergency Home Response Service Rate Agreement.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: May 1996 and June 1996

E) Affect on small businesses, small municipalities, or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

j) Part(s) (Heading and Citation Code): Case Management Services to Persons with AIDS; 89 Ill. Adm. Code 716

1) Rulemaking:

A) Description: Amend Management Services to Persons with AIDS rules to reflect changes resulting from the federal renewal of the Medicaid Waiver.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the

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need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: June 1996
- E) Affect on small businesses, small municipalities or not for profit corporations: None.

7) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

K) Part(s) (Heading and Citation Code): Illinois Center for Rehabilitation and Education Respite Program; 89 Ill. Adm. Code 787

1) Rulemaking:

- A) Description: Repeal of 787.50, "School Respite Program Appeals".
- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].
- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: Fall 1995

- E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager

DEPARTMENT OF REHABILITATION SERVICES

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Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

1) Part(s) (Heading and Code Citation): Impartial Due Process Hearing

1) Rulemaking:

- A) Description: Revisions to existing Parts to clarify the student appeal process.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: Fall 1995

- E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

M) Part(s) (Heading and Code Citation): Rules of Conduct; 89 Ill. Adm. Code 827

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1) Rulemaking:

A) Description: Revisions and/or repeal of existing parts to clarify the student appeal process at DORS' schools.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Fall 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemaking and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

n) Part(s) (Heading and Code Citation): Non-Academic Program and Policies; 89 Ill. Adm. Code 830

1) Rulemaking:

A) Description: Creation of a new Part regulating the staff supervision of students at DORS' schools.

Additionally, revision to existing parts dealing with the health services provided to the students at DORS' schools and the payment for those services.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

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C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Fall 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

o) Part(s) (Heading and Code Citation): Centers for Independent Living; 89 Ill. Adm. Code 855

1) Rulemaking:

A) Description: DORS currently plans to repeal this Part and replace it with new rules to cover this topic. Changes necessary to implement new federal regulations governing independent living services are so extensive, repeal of this Part is considered necessary.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: September 1995

E) Affect on small businesses, small municipalities or not for

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profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

p) Part(s) (Heading and Code Citation): Centers for Independent Living; 89 Ill. Adm. Code 886

1) Rulemaking:

A) Description: DORS anticipates promulgating this new Part to replace Part 885. The new Part will implement the provisions of the new federal regulations governing independent living services.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: September 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams, P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

DEPARTMENT OF REHABILITATION SERVICES

JULY 1995 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

OFFICE OF THE COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Illinois Savings and Loan Act of 1985; 38 Ill. Adm. Code 1000

1) Rulemaking:

A) Description: Part 1000, generally: Will submit regulatory proposals as necessary to implement current legislation that, if enacted, would amend the Illinois Savings and Loan Act.

B) Statutory Authority: Authorized by the Illinois Savings and Loan Act of 1985. 205 ILCS 105/1-1 et seq.

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: Second half of 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact for information:

Mr. Jay R. Stevenson, Chief Deputy Commissioner
Office of the Commissioner
of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, IL 61701-1509
(217) 782-6169

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Residential Mortgage License Act of 1987; 38 Ill. Adm. Code 1050.

1) Rulemaking:A) Description:

a) Section 1050.140, "Employee": Will propose amendments to the definition of employee of a licensee for purposes of Section 1-4(d)(3) of the Act. [205 ILCS 635/1-1]

b) Section 1050.210, "License Investigation Fee": Will propose amendments to the license application investigation fee requirements.

c) Section 1050.220, "License Fee": Will propose amendments to the license fee requirements.

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d) Section 1050.230, "Amended License Fees - Corporate Changes": Will propose amendments to requirements for fees required for amending a license due to licensee corporate changes as described in Section 1050.480 of this Part.

e) Section 1050.250, "Examination Fees": Will propose amendments to examination fee requirements in conjunction with proposed amendments to Section 1050.425 of this Part.

f) Section 1050.290, "Manner of Payment": Will propose amendment to require the licensee's name and number on checks that it submits to the agency.

g) Section 1050.320, "Application for Renewal of an Illinois Residential Mortgage License": Will propose amendments to the requirements for fees required as part of license renewal.

h) Section 1050.410, "Net Worth": Will propose to add an explicit statement of the amount of net worth requirement for residential mortgage brokers.

i) Section 1050.425, "Examination Frequency": Will propose amendments to the requirements for frequency and manner of examination of licenses.

j) Section 1050.430, "Late Audit Reports": Will propose amendments to the requirements for fees for a licensee's late audit reports and requirements for requesting extensions for submitting audit reports.

k) Section 1050.470, "Proceedings Affecting a License": Will propose amendments to the requirements for reporting legal proceedings involving the licensee that could affect the licensee's authority to do business.

l) Section 1050.480, "Changes of Ownership, Control or Name or Address of Licensee": Will propose amendments to the requirements for providing notice to the Agency of licensee corporate changes.

m) Subpart E, "Annual Report of Mortgage Activity, Mortgage Brokerage Activity and Mortgage Servicing Activity": Will propose amendments to the requirements on the licensee to file reports on mortgage activity, mortgage brokerage activity, and mortgage servicing requirements.

n) Subpart F, "Foreclosure Rates": Will propose amendments to

OFFICE OF THE COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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the requirements for reporting and determining residential mortgage foreclosure rates and related agency authority.

- o) Section 1050.1010(d), "Loan Brokerage Agreement": Will propose amendments to the requirement for licensee loan brokerage agreements including statement of fees that the borrower is obligated to pay.
- p) Section 1050.1110, "Borrower Information Document": Will propose amendments to the requirements for the licensee borrower information document, including requiring a statement that the licensee does not illegally discriminate.
- q) Section 1050.1335, "Fees and Charges Prior to Closing": Will propose amendments to the requirements and authority of the licensee to receive monies from borrowers prior to loan closing and authority to retain monies if the loan does not close.
- r) Part 1050, generally: Will submit regulatory proposals as necessary to implement current legislation that, if enacted, would amend the Savings Bank Act.

- B) Statutory Authority: Authorized by the Residential Mortgage License Act of 1987. [205 ILCS 636/1-1 et seq.]

- C) Scheduled meeting/hearing dates: None scheduled.

- D) Dates agency anticipates First Notice: Second half of 1995.

- E) Affect on small businesses, small municipalities and not for profit corporations: None

- F) Agency contact person for information:

Mr. Jay Stevenson, Chief Deputy Commissioner
Office of the Commissioner of Savings
and Residential Finance
500 East Monroe, Suite 800
Springfield, IL 61701-1509
(217) 782-6169

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Citation): Savings Bank Act; 38 Ill. Adm. Code 1075

- l) Rulemaking:

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A) Description:

- a) Subpart A, "Filings": Propose to create new Section, "Guidelines for Processing Conversions to Processing Conversions to Savings Bank Charter" which would establish timelines for processing applications to convert to Illinois savings bank charter.
- b) Subpart C, "Reports": Will submit regulatory proposals to update this subpart.
- c) Subpart D, "Operations": Will submit regulatory proposals to update this subpart.
- d) Subpart E, "Investments": Will submit regulatory proposals to update this subpart.
- e) Subpart N, "Acquisition of Control of Savings Bank": Propose amendments to Section 1075.1700 to permit certain waivers or exemptions from the prerequisite application and approval requirements to acquiring control of an Illinois savings bank.
- f) Subpart O, "Conversion of Mutual Savings Bank to Capital Stock Savings Bank": Will submit Emergency Amendments and Proposed Amendments as necessary in response to recent Federal Deposit Insurance Corporation and U.S. Office of Thrift Supervision rulemaking related to mutual-to-stock conversions. The purpose of the amendments will be to maintain desired consistency between federal and State requirements.
- g) Subpart P, "Ethics": Propose to create new subpart, Subpart P, to establish standards of conduct for employees of the Agency as mandated by Section 9003 of the Savings Bank Act. [205 ILCS 205/9003]
- h) Part 1075, generally: Will submit regulatory proposals as necessary to implement current legislation that, if enacted, would amend the Savings Bank Act.
- B) Statutory Authority: Authorized by the Savings Bank Act [205 ILCS 205/1001 et seq.]
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date agency anticipates First Notice: Second half of 1995.

OFFICE OF THE COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Information concerning this regulatory agenda shall be directed to:

Mr. Jay R. Stevenson, Chief Deputy Commissioner
Office of the Commissioner of Savings
and Residential Finance
500 East Monroe, Suite 800
Springfield, IL 61701-1509
(217) 782-6169

- G) Related rulemakings and other pertinent information: None.

- d) Part(s) (Heading and Code Citation): Real Estate License Act of 1983; 68 Ill. Adm. Code 1450

1) Rulemaking:

- A) Description: Will submit Emergency Amendments and Proposed Amendments as necessary to implement the transfer of the administration of the Real Estate License Act from the Department of Professional Regulation to the Office of the Commissioner of Savings and Residential Finance. The proposed amendments will include, but not be limited to, recodification and rules regarding fees.

- B) Statutory Authority: Authorized by the Real Estate License Act of 1983 [225 ILCS 455/1 et seq.] and Senate Bill 349 (signed by the Governor on June 6, 1995).

- C) Scheduled meeting/hearing dates: None scheduled.

- D) Date agency anticipates First Notice: Second half of 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: None.

- F) Agency contact person for information:

Mr. Jay Stevenson, Chief Deputy Commissioner
Office of the Commissioner of Savings
and Residential Finance
500 East Monroe, Suite 800
Springfield, IL 62701-1509
(217) 782-6169

OFFICE OF THE COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

JULY 1995 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None.

- e) Part(s) (Heading and Code Citation): Real Estate Appraiser Certification; 68 Ill. Adm. Code 1455

1) Rulemaking:

- A) Description: Will submit Emergency Amendments and Proposed Amendments as necessary to implement the transfer of the administration of the Real Estate License Act from the Department of Professional Regulation to the Office of the Commissioner of Savings and Residential Finance. The proposed amendments will include, but not be limited to, recodification and rules regarding fees.

- B) Statutory Authority: Authorized by the Real Estate License Act of 1983 [225 ILCS 455/1 et seq.] and Senate Bill 349 (signed by the Governor on June 6, 1995).

- C) Scheduled meeting/hearing dates: None scheduled.

- D) Date agency anticipates First Notice: Second half of 1995.

- E) Affect on small businesses, small municipalities or not for profit corporations: None.

- F) Agency contact person for information:

Mr. Jay Stevenson, Chief Deputy Commissioner
Office of the Commissioner of Savings
and Residential Finance
500 East Monroe, Suite 800
Springfield, IL 61701-1509
(217) 782-6169

- G) Related rulemakings and other pertinent information: None.

SECRETARY OF STATE

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization (2 Ill. Adm. Code 550)

1) Rulemaking:

- A) Description: Organization structure will be updated to reflect elimination and new names of certain departments.

- B) Statutory Authority: 5 ILCS 100/5-15

- C) Schedule meeting/hearing date: No hearings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Nancy Easum, Deputy General Counsel
Address: 200 Howlett Building
 Springfield, IL 62756
Telephone: (217) 782-2192

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Regulations Under Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)

1) Rulemaking:

- A) Description: Amends payment of fees; computation of time; clarifies when variance is required; clarifies definitions; clarifies which securities are exempt from registration; simplifies filing requirements; adds exemptions; provides for registration, renewal, withdrawal, and verification of securities by coordination and qualification through the SRD; recognizes filings on Form U-7 under certain conditions; provides for registration by qualification of face amount certificate contracts; provides for abandonment of applications; recognizes additional examinations for qualification, recordkeeping requirements, and net capital requirements of registered dealers and investment advisors; simplifies service of process upon Secretary of State; clarifies requests for non-binding statements issued by the Securities Department; clarifies rules on confidentiality.

- B) Statutory Authority: 815 ILCS 5/11(A)

SECRETARY OF STATE

JULY 1995 REGULATORY AGENDA

- C) Schedule meeting/hearing date: No hearings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not for profit corporations: May reduce fees and filing requirements for small businesses.

- F) Agency contact person for information:

Name: Michael A. Chizmar, Assistant Director
Address: Illinois Securities Department
 900 S. Spring Street
 Springfield, IL 62704
Telephone: (217) 524-8040

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Business Corporation Act (14 Ill. Adm. Code 150)

1) Rulemaking:

- A) Description: Technical changes.

- B) Statutory Authority: 805 ILCS 5/1.05

- C) Schedule meeting/hearing date: No hearings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Dale Reynolds, Deputy Director
Address: 330 Howlett Building
 Springfield, IL 62756
Telephone: (217) 782-9524

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Revised Uniform Limited Partnership Act (14 Ill. Adm. Code 170)

1) Rulemaking:

SECRETARY OF STATE

JULY 1995 REGULATORY AGENDA

- A) Description: Revises rule to provide that updates are available only through modem access, and that updates are available on a monthly basis rather than a weekly basis.
- B) Statutory Authority: 805 ILCS 210
- C) Schedule meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Dale Reynolds, Deputy Director
Address: 330 Howlett Building
 Springfield, IL 62756
Telephone: (217) 782-9524
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Uniform Commercial Code (14 Ill. Adm. Code 180)
- 1) Rulemaking:
- A) Description: Revises rule to provide that updates are available only through modem access.
- B) Statutory Authority: 810 ILCS 5/9
- C) Schedule meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Dale Reynolds, Deputy Director
Address: 330 Howlett Building
 Springfield, IL 62756
Telephone: (217) 782-9524
- G) Related rulemakings and other pertinent information: None

SECRETARY OF STATE

JULY 1995 REGULATORY AGENDA

- f) Part(s) (Heading and Code Citation): Illinois Library System Act (23 Ill. Adm. Code 3030)
- 1) Rulemaking:
- A) Description: Reflects changes required by (SB 1200), expected to be signed by Governor Edgar, relating to library system boundaries. The sections affected are 3030.20 Administration of the Act; Hearings; 3030.25 Establishment of Systems; 3030.30 Geographic Boundaries; 3030.35 Membership in a Library System; 3030.80 Liquidation; and 3030.120 Transfer of Membership.
- B) Statutory Authority: 75 ILCS 10, as amended by P.A. 89-____.
- C) Schedule meeting/hearing date: The draft rules have already been developed in consultation with the Illinois State Library Advisory Committee and its subcommittee on systems.
- D) Date agency anticipates First Notice: October 1, 1995
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Kathleen Bloomberg
Address: Illinois State Library
 300 S. Second Street
 Springfield, IL 62701-1796
Telephone: (217) 785-0052
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Literacy Grant Program (23 Ill. Adm. Code 3040)
- 1) Rulemaking:
- A) Description: Updates citation for audit manual to the 1994 edition of Standards for Audit of Governmental Organizations, Programs Activities and Functions.
- B) Statutory Authority: 15 ILCS 320
- C) Schedule meeting/hearing date: No hearing has been scheduled.

SECRETARY OF STATE

JULY 1995 REGULATORY AGENDA

- D) Date agency anticipates First Notice: October 1, 1995
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Kathleen Bloomberg
Address: Illinois State Library
 300 S. Second Street
 Springfield, IL 62701-1796
Telephone: (217) 785-0052
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Procedures and Standards (92 Ill. Adm. Code 1001)
- 1) Rulemaking:
- A) Description: Sets forth procedures to be followed in hearings conducted under the Motor Vehicle Franchise Act, as well as those necessary for the Motor Vehicle Review Board.
- B) Statutory Authority: 815 ILCS 710/17,18,22
- C) Schedule meeting/hearing date: No hearing has been scheduled.
- D) Date agency anticipates First Notice: November/December, 1995
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jay Mesi, Senior Legal Advisor
Address: Illinois State Library
 200 Howlett Building
 Springfield, IL 62756
Telephone: (217) 785-8237
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
- 1) Rulemaking:

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JULY 1995 REGULATORY AGENDA

- A) Description: Eligibility requirements for special license plates; amendment of fee schedule applicable to financial institutions.
- B) Statutory Authority: 625 ILCS 5/2-125; 625 ILCS 5/3-412, 3-609, 3-620, 3-621, 3-624, 3-625, 3-629, 3-806.4, as amended by HB 1696 if signed by Governor Edgar.
- C) Schedule meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Robert E. Powers, Assistant Counsel
Address: 298 Howlett Building
 Springfield, IL 62756
Telephone: (217) 785-3094
- G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Issuance of Licenses (92 Ill. Adm. Code 1030)
- 1) Rulemaking:
- A) Description: Amends procedures for medical cancellation of driver's licenses; specifies follow-up vision requirement necessary due to an upcoming revision of the vision report; amends classification system; clarifies that when day light driving is recommended, the same optometrist should recommend any changes to that day light driving restriction; changes internal procedures required by Motor Voter legislation.
- B) Statutory Authority: 625 ILCS 5/6-109, 6-909, 6-116
- C) Schedule meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: September/October, 1995
- E) Affect on small businesses, small municipalities or not for profit corporations: None

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JULY 1995 REGULATORY AGENDA

F) Agency contact person for information:

Name: Mark A. Novak, Assistant Counsel
Address: 2701 S. Dirksen Parkway
 Springfield, IL 62723
Telephone: (217) 782-5356

G) Related rulemakings and other pertinent information: NoneK) Part(s) (Heading and Code Citation): Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)1) Rulemaking:

A) Description: Updates Traffic Offense Table; amends rule regarding removal of revocation sanction as an eligibility status and changes procedures for application requirements; adds new Problem Driver Pointer System Procedures; adds prior suspensions authority; clarifies sanctions for emission suspension of license and vehicle registration to bring rule in compliance with present procedures and the Memorandum of Understanding.

B) Statutory Authority: 625 ILCS 5/11-501.8, as added by P.A. 98-588; 625 ILCS 5/6-26(c)(2), 6-201(a), 6-206(a); 625 ILCS 5/13A-B.

C) Schedule meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: September/October, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Mark A. Novak, Assistant Counsel
Address: 2701 S. Dirksen Parkway
 Springfield, IL 62723
Telephone: (217) 782-5356

G) Related rulemakings and other pertinent information: None1) Part(s) (Heading and Code Citation): Commercial Driver Training Schools (92 Ill. Adm. Code 1060)1) Rulemaking:

SECRETARY OF STATE

JULY 1995 REGULATORY AGENDA

A) Description: Pursuant to P.A. 88-628, amendment prevents driving instructor from obtaining a Certificate of Completion for students unless they have received passing grades in 8 courses during the previous 2 semesters. Prevents dropouts under 18 from obtaining a Certificate of Completion unless the instructor has written verification of enrollment in GED or alternative, or has prior to dropping out passed 8 courses in previous 2 semesters, or has written consent from dropout's parents or guardian. Superintendent of school may waive conditions if in the best interest of the student or dropout. Driving instructor must check with school to determine if student is eligible.

B) Statutory Authority: 625 ILCS 5/6-106.1, as amended by P.A. 88-628

C) Schedule meeting/hearing date: No hearings are scheduled.

D) Date agency anticipates First Notice: September, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will affect small businesses who employ commercial driving instructors who are licensed by the Secretary of State.

F) Agency contact person for information:

Name: Mark A. Novak, Assistant Counsel
Address: 2701 S. Dirksen Parkway
 Springfield, IL 62723
Telephone: (217) 782-5356

G) Related rulemakings and other pertinent information: None

M) Part(s) (Heading and Code Citation): Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)

1) Rulemaking:

A) Description: Eliminates security deposit receipt requirement for deposit disposition.

B) Statutory Authority: 625 ILCS 5/2-104(b) and 625 ILCS 5/7

C) Schedule meeting/hearing date: October, 1995

D) Date agency anticipates First Notice: October, 1995

E) Affect on small businesses, small municipalities or not for

SECRETARY OF STATE

JULY 1995 REGULATORY AGENDA

profit corporations: None

F) Agency contact person for information:

Name: Mark A. Novak, Assistant Counsel
Address: 2701 S. Dirksen Parkway
 Springfield, IL 62723
Telephone: (217) 782-5356

G) Related rulemakings and other pertinent information: Nonen) Part(s) (Heading and Code Citation): Rebuilt Vehicle Disclosure (to be assigned)1) Rulemaking:

A) Description: Prescribes rules for the disclosure of rebuilt vehicles status form and rules governing the issue of titles for salvage vehicles without the "rebuilt notation."

B) Statutory Authority: 625 ILCS 5/3-118.1 and 5/5-100 et.seq., as amended by SB 1202 if signed by Governor Edgar.

C) Schedule meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Robert E. Powers, Assistant Counsel
Address: 298 Howlett Building
 Springfield, IL 62756
Telephone: (217) 785-3094

G) Related rulemakings and other pertinent information: Noneo) Part(s) (Heading and Code Citation): Vehicle Auctioneers (to be assigned)1) Rulemaking:

A) Description: Requirements for recordkeeping and established place of business for those licensed pursuant to 5-701 of the Vehicle Code.

B) Statutory Authority: 625 ILCS 5/2-104

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JULY 1995 REGULATORY AGENDA

C) Schedule meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Robert E. Powers, Assistant Counsel
Address: 298 Howlett Building
 Springfield, IL 62756
Telephone: (217) 785-3094

G) Related rulemakings and other pertinent information: None

STATE TOLL HIGHWAY RULES

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Practice and Procedures for Administrative Adjudication Hearings before the Illinois State Toll Highway Authority; 92 Ill. Adm. Code 2520.223(g)

1) Rulemaking:A) Description:

(1) Amendment to The Illinois State Toll Highway Traffic Rules and Regulations for the payment of tolls.

(2) The Toll Highway Act, as amended, grants the Illinois State Toll Highway the power to establish and implement an administrative adjudication system for the collection of civil fines against the registered owner(s) of a vehicle operating upon the toll highway without paying the proper toll, as detected by the Authority's video surveillance system.

B) Statutory Authority:

(1) 605 ILCS 10/10 (c)

(2) 605 ILCS 10/10 (a-5)

C) Scheduled meeting/hearing date:D) Date agency anticipates First Notice: August, 1995E) Affect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Name: George Sotos
Address: Chief Counsel
Illinois State Toll Highway Authority
One Authority Drive
Downers Grove, IL 60515
Telephone: (708) 241-6800

G) Related rulemakings and other pertinent information:

Administrative Review Law; 5 ILCS 100/1 et seq.

The Illinois Vehicle Code; 625 ILCS 5/1-100 et seq.

(1) This rulemaking amends The Illinois Toll Highway payment of tolls traffic rules and regulations.

STATE TOLL HIGHWAY RULES

JULY 1995 REGULATORY AGENDA

- (2) Upon adoption of this Rulemaking, The Toll Highway Authority will initiate a civil administrative adjudication hearing's program to adjudicate alleged violations of the failure to pay the prescribed toll(s) by the owner of a motor vehicle operating the vehicle upon the Toll Highway.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 11, 1995 through July 17, 1995, and have been scheduled for review by the Committee at its August 15, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/13/95	Illinois Commerce Commission, Uniform Electric Fuel Adjustment (83 Ill Adm Code 425)	10/21/94 18 Ill Reg 15473	8/15/95
7/13/95	Pollution Control Board, Clean Fuel Fleet Program (35 Ill Adm Code 241)	4/28/95 19 Ill Reg 6101	8/15/95
7/14/95	Illinois Health Care Cost Containment Council, Penalties (77 Ill Adm Code 2540)	4/28/95 19 Ill Reg 6098	8/15/95
7/14/95	Illinois Health Care Cost Containment Council, Hospital Price Information (77 Ill Adm Code 2530)	4/28/95 19 Ill Reg 6091	8/15/95

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1. <i>Chrysomelids</i>	1	1	1	1	1	1
2. <i>Curculionids</i>	1	1	1	1	1	1
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60. <i>Curculionids</i>	1	1				

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	1990	1991	1992	1993
1. <i>Chlamydia trachomatis</i>	100	100	100	100
2. <i>Neisseria meningitidis</i>	100	100	100	100
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4. <i>Haemophilus influenzae</i>	100	100	100	100
5. <i>Legionella pneumophila</i>	100	100	100	100
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7. <i>Salmonella enteritidis</i>	100	100	100	100
8. <i>Escherichia coli</i>	100	100	100	100
9. <i>Shigella flexneri</i>	100	100	100	100
10. <i>Staphylococcus aureus</i>	100	100	100	100
11. <i>Pseudomonas aeruginosa</i>	100	100	100	100
12. <i>Klebsiella pneumoniae</i>	100	100	100	100
13. <i>Acinetobacter baumannii</i>	100	100	100	100
14. <i>Mycobacterium tuberculosis</i>	100	100	100	100
15. <i>Candida albicans</i>	100	100	100	100
16. <i>Aspergillus fumigatus</i>	100	100	100	100
17. <i>Cryptosporidium parvum</i>	100	100	100	100
18. <i>Toxoplasma gondii</i>	100	100	100	100
19. <i>Giardia lamblia</i>	100	100	100	100
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